

135.
13.4.2023
S.D.

W.P.A. 6588 of 2023

Sunil Kumar Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Manas Ghosh
Ms. Susmita Dey (Basu)
... For the Petitioner

Mr. Tapas Kumar Adhikari
Mr. Benajit Ahmed
....For the State

Mr. N.C. Bihani
Mr. Soumya Mukherjee
...for the C.S.T.C.

The petitioner retired as a driver of the Calcutta State Transport Corporation (CSTC) with effect from June 30, 2022. The petitioner has received a sum of Rs.17,49,000/- as 40% of his provident fund dues on July 20, 2022. Remaining sum of 60% of his provident fund dues have not yet been paid by CSTC. The petitioner received a sum of Rs.10,83,164/- on August 22, 2022 and leave salary to the tune of Rs.2,66,646/- on August 17, 2022.

Since 40% of the provident fund dues have been paid within one month of his retirement, the petitioner will not be entitled to any interest thereon. The remaining 60% of the

provident fund dues *shall* be disbursed within three months from the date of the order along with interest @ 6% p.a. from July 1, 2022 (the date subsequent to the date of retirement) till the date of actual payment of the balance 60%.

The petitioner will also be entitled to interest @ 6% p.a. on the gratuity amount of Rs.10,83,164/- from July 1, 2022 till August 22, 2022 (the date of actual disbursement). The said interest will be paid within three months from date. In the event, there is any default on the part of the employer to disburse the interest on the gratuity amount, the said rate will stand enhanced to 8% p.a.. The petitioner will also be entitled to interest @ 6% p.a. on the amount of leave salary dues to the tune of Rs.2,66,646/- from July 1, 2022 till August 17, 2022 (the date of actual disbursement) within three months from date.

With the directions aforesaid, **W.P.A. 6588 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the present petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)