

28.06.2023
DL-88
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13617 of 2023

Anil Kumar Patra
Vs.
The State of West Bengal & Ors.

Ms. Susmita Dey (Basu)
...for the petitioner.

Mr. N. C. Bihani,
Ms. Papiya Banerjee Bihani,
Mr. Soumya Mukherjee
.....for CSTC.

Affidavit of service filed in Court today be retained with the records.

The petitioner was an employee of Calcutta State Transport Corporation (CSTC). The petitioner was superannuated from service on January 31, 2021.

Ms. Dey (Basu), learned counsel appearing on behalf of the petitioner prays for interest on delayed payment of retiral benefits.

Mr. Bihani, learned counsel appears on behalf of CSTC.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioner is entitled to interest on the delayed payment of retiral benefits. A beneficial reference may be made to a judgment of the Hon'ble Apex Court reported in (2021) 11 SCC 543 (**State of**

Andhra Pradesh & Anr. vs. Dinavahi Lakshmi Kameswari).

The petitioner will be entitled to interest @ 6% per annum on gratuity dues to the tune of Rs.10,16,135/- from February 1, 2021 (the date subsequent to the date of retirement) till April 28, 2021 (the date on which the gratuity dues were disbursed). The petitioner will be entitled to interest @ 6% per annum on the delayed payment of dues on account of earned leave to the tune of Rs.2,78,428/- from February 1, 2021 till April 13, 2021. The petitioner will be entitled to interest @ 6% per annum on the first instalment of the provident fund dues to the tune of Rs.10,54,000/- from February 1, 2021 till May 7, 2021. The petitioner will be entitled to interest @ 6% per annum on the second instalment of the provident fund dues to the tune of Rs.15,80,430/- from February 1, 2021 till July 16, 2021.

The said interest on delayed payment of retiral benefits will be granted within 3 months from date. In default of payment of interest within the stipulated time, the rate of interest will stand increased to 8% per annum.

With the directions aforesaid, **WPA 13617 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations

contained therein are deemed not to have been admitted by the respondents.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)