

27.09.2023
DL-70
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18419 of 2023

Amit Kumar Bose
Vs.
The State of West Bengal & Ors.

Ms. Susmita Dey (Basu)
.....for the petitioner.
Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
..... for CSTC.
Mr. Satyajit Mahata
.....for the State.

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

The petitioner has been superannuated from service on January 31, 2021. He was working as a permanent employee of Calcutta State Transport Corporation (CSTC). The petitioner prays for interest on the delayed payment of the retiral dues. The first instalment of Provident Fund dues aggregating Rs.9,21,000/- was paid on May 7, 2021. Thereafter, the second instalment of Provident Fund dues aggregating Rs.13,82,490/- was paid on July 16, 2021.

Gratuity dues aggregating Rs.10,75,142/- was paid on April 28, 2021. Leave Encashment benefits to the tune of Rs.1,74,643/- was paid on April 13, 2021.

Mr. Sen, learned Additional Government Pleader appears on behalf of the CSTC.

The writ petitioner is entitled to interest from February 1, 2021 (the date subsequent to the date of retirement) till May 7, 2021 of Rs.9,21,000/-, from February 1, 2021 till July 16, 2021 on the sum of Rs.13,82,490/-. The petitioner will also be entitled to interest on a sum of Rs.10,75,142/- being the gratuity amount from February 1, 2021 till April 28, 2021.

The writ petitioner is also entitled to interest on leave salary from February 1, 2021 till April 13, 2021 on the sum of Rs.1,74,643/-.

The respondent authority/CSTC is directed to pay the aforesaid payment within three months from date. In the event, the said amount is not disbursed within the stipulated period, the rate of interest will stand enhanced to 10% per annum being the statutory rate under the payment of Gratuity Act, 1972.

With the directions aforesaid, the writ petition, being **WPA 18419 of 2023**, is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

Needless to mention, in case the petitioner has occupied the quarter granted by the employer after his

retirement the occupation charges for the said quarter will be deducted from the retiral benefits that the petitioner is entitled to as per the extant rules and policies of the employer/CSTC.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble 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.)