23.08.2023
DL-60
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20240 of 2023

Mukul Bera
Vs.
The State of West Bengal & Ors.

Mr. Srinjay Sengupta,
Mr. Saurav Roy,
Mr. Narattam Acharyya,
Mr. Ankush Ghosh
....for the petitioner.
Ms. Deblina Chattaraj
.....for WBTCL.
Ms. Ashmita Chakraborty
....for the State.

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

The writ petitioner was a permanent employee of the West Bengal Transport Corporation Limited (in short 'the WBTCL') previously known as the Calcutta Tramways Company (1978) Limited. The writ petitioner retired from his service on February 28, 2021.

The writ petitioner prays for interest on delayed disbursement of retiral dues, from March 1, 2021 (the date succeeding the date of retirement) till May 4, 2021 (the date on which the retiral benefits have actually been paid) on the sum of Rs.28,67,348/- being the total retiral dues.

The issue of payment of interest on delayed payment of retiral benefits has been considered by the Hon'ble Supreme Court in two judgments reported in 2021 (11) SCC 543 **(State of Andhra Pradesh & Anr. Vs. Dinavahi Lakshmi Kameswari)** and also in 2022 (4) SCC 627 **(Dr. A. Selvaraj Vs. CBM College & Ors.)**. In **Selvaraj** (supra) it was held that the delay in payment of retiral benefits was due to no fault on the part of the petitioner. It was an obligation on the part of the employer to process the retiral benefits and pay the same within one month of the date of the petitioner's retirement. Since the payment was not made within one month, the interest was held to date back to the petitioner's date of retirement.

Following the aforesaid judgements of the Apex Court and also the judgement passed by Co-ordinate Bench of this Hon'ble Court in WPO No.2279 of 2022 (**Swapan Kumar Das vs. The State of West Bengal**), this Court holds that interest at the rate of 6 per cent per annum should be paid by the respondent company to the petitioner from March 1, 2021 (the date succeeding the date of retirement) to May 4, 2021 (the date on which the retiral benefits have actually been paid) for late disbursement of post retiral benefits within three months from date. In the event there is any default in payment of interest within the stipulated period, the rate of interest will stand increased to 10 per cent per annum being the rate payable at present under the Payment of Gratuities Act, 1972.

With the aforesaid directions, the writ petition, being **WPA 20240 of 2023** is **disposed of**.

Since affidavits have not been invited in the present writ petition, the allegations made in the writ petition are deemed not to have been admitted by the parties.

All parties are to act on a server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent certified website copies of this order, if applied for, be made available to the parties subject to compliance with all requisite formalities.

(**Lapita Banerji, J.**)