

133 11.10.2023
S.D. Ct.25

W.P.A. 21992 of 2023

Shri Sukumar Chandra Gayen

-vs-

Calcutta State Transport Corporation & Ors.

Mr. Dilip Kumar Chatterjee,
Mr. Durga Bhusan Mukhopadhyay

....for the petitioner.

Mr. Amal Kumar Sen, AGP.,
Ms. Sahina Sumi

....for the C.S.T.C..

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

The writ petitioner was a permanent employee of Calcutta State Transport Corporation (CSTC). The petitioner retired from his service on January 31, 2023. A sum of Rs.7,45,000/- being 25% of the contributory provident fund dues were disbursed to the petitioner on February 17, 2023, within one month from the date of retirement. Remaining 75% of the CPF aggregating a sum of Rs.22,36,234/- was disbursed to the petitioner belatedly on August 3, 2023. The writ petitioner prays for interest on delayed disbursement of such 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 Coordinate Bench of this Hon'ble Court in WPO No.2279 of 2022 (**Swapn 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 February 1, 2023 (the date succeeding the date of retirement) to August 3, 2023 (the date on which the retiral benefits have actually been paid) for late disbursement of post retiral benefits within three months from date.

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.

With the aforesaid directions, the writ petition, being **WPA 21992 of 2023** is **disposed of**.

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.)