

116.
27.9.2023
S.D.

W.P.A. 22068 of 2023

**Rathindranath Mukhopadhyay
Vs.
The State of West Bengal & Ors.**

Ms. Susmita Dey (Basu)
..For the Petitioner

Mr. N.C. Bihani
Mr. Soumya Mukherjee
...For the CSTC.

Md. Mansur Ali
Mr. Tapas Ballav Mondal
...For the State

The petitioner has been superannuated from service on January 31, 2023. 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 gratuity dues aggregating Rs.10,78,529/- was paid on April 13, 2023. Leave Encashment benefits to the tune of Rs.2,57,175/- was paid on March 14, 2023. The first instalment of provident fund dues aggregating of Rs.7,67,000/- was paid on February 18, 2023 and the remaining provident fund dues aggregating Rs.22,99,197 was paid on August 8, 2023.

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

The writ petitioner is entitled to interest from February 1, 2023 (the date subsequent to the date of retirement) till April 13, 2023 of Rs.10,78,529/- being the gratuity amount, from February 1, 2023 till March 14, 2023 on the sum of Rs.2,57,175/- being the leave encashment amount and from February 1, 2023 till August 8, 2023 on the sum of Rs.22,99,197/- being the provident fund dues.

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 22068 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.)