

11.10.2023
Court No.25
Item No.148
Sws.M

WPA 23377 of 2023

**Goutam Banerjee
Vs.
The State of West Bengal and Ors.**

Mr. Golam Mohammad

... For the Petitioner.

Ms. Deblina Chattaraj
Ms. Angana Dutta

... For the respondent Corporation.

Ms. Nilanjana Adhya

... For the State- respondents

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 April 30, 2020.

The writ petitioner prays for interest on delayed disbursement of retiral dues, from May 1, 2020 (the date succeeding the date of retirement) till September 09, 2020 (the date on which the retiral benefits have actually been paid) on the sum of Rs.40,73,620.34/- 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 May 1, 2020 (the date succeeding the date of retirement) till September 09, 2020 (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.

Ms. Chattaraj, learned counsel appearing on behalf of the corporation submits that there is a mistake with regard to the date of retirement of the petitioner in the prayer portion. It is clarified that the date of retirement recorded in the above were considered to be the date of retirement for the purpose of calculation of the interest amount payable to the petitioner.

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 23377 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.)