24. 09.2024
Item No.28
BR

WPA 258 of 2012

Tarun Kumar Mukhopadhyay
-vs-
State of West Bengal and Ors.

Ms. Susmita Dey Basu
… for the petitioner

Mr. D.N.Roy,
Mr.Sourav Halder
… for the CSTC

The report as directed has been submitted by the Senior Law Officer, Calcutta State Transport Corporation through the learned counsel appearing for the Calcutta State Transport Corporation.

The report be made part of the record.

Heard the learned counsel for the petitioner and the learned counsel for the CSTC.

In the said report dated 23.9.2024, it has been stated on behalf of the CSTC that:

"*the scheme for settling the retiral dues of the employees of the CSTC was framed by the Government of West Bengal at the instance of an order of the Hon'ble High Court dated 30.06.2015 passed in WP No. 11978(W) of 2015 and thereafter the scheme* *was continued by His Lordship the Hon'ble Justice Mr. Sanjib Banerjee and the scheme was revised to make payment of interest @ 6% per annum on the amount of gratuity and 4 % of leave encashment for delayed payment of retiral dues. Copy of the order of the Honble High Court is enclosed.*

In that view of the matter, we are agreeable to pay interest as settled in the scheme and upheld by the Hon'ble Court in the instant matter."

The effective part of the order dated 11.05.2018 in WPCRC 73(W) of 2016 and other writ petitions is as follows :

"*The State and the relevant Corporations have accepted that interest at the rate of 6 % per annum will be paid on account of gratuity to all employees who retired from the State Transport Corporation by March 31,2015 from the beginning of the moth following the date of retirement till the end of the month preceding the month in which the payment of gratuity was discharged. If the payment of gratuity was discharged in instalments, the interest would also be calculated accordingly. The State has also agreed to pay interest at the rate of 4 % per annum on leave encashment for the delayed payment therefor. Again, the interest will run from the beginning of the month following the month of retirement and will be payable on such* *quantum as remained due till the entire amount on such account was discharged."*

Considering the said fact the report as submitted be accepted. The respondent CSTC is directed to clear the payment of interest due to the petitioner, as per the applicable rate within a period of two months from the date of this order.

Writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties as expeditiously after due compliance.

(Shampa Dutt (Paul), J.)