Court No. 2
06.08.2025
(Daily List Item No. 03)

(Moumita)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2254 of 2024
I.A. No. CAN 1 of 2024

Tarit Kumar Dutta
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey
Mr. Abhijit Mondal
Ms. Ankita Ghosh
.... For the Respondent no. 2 in CAN 1 of 2024/writ petitioner

Mr. Niladri Bhattacharjee
Ms. Poulami Chattopadhyay
Mr. Sayan Banerjee
.....For Appellant/ West Bengal Transport Corporation)

In Re: CAN 1 of 2024

Ms. Poulami Chattopadhyay, learned counsel appears for the applicant/WBTCL.

Mr. Goutam Dey, learned counsel appears for the respondent no. 2/writ petitioner.

This is an application filed on behalf of WBTCL (for short the Corporation) praying for modification of an order dated ***April 10, 2024 annexure p-1 at page 8*** to the application passed by a co-ordinate bench.

The essential facts which are admitted before this court by the learned counsel for the parties are that, the writ petitioner was an employee of the corporation who retired on ***March 31, 2023***. The entire retiral due was paid to him in two installments. The first installment was paid on ***April 26, 2023*** and the second installment was paid on ***July 17, 2023***.

Mr. Goutam Dey, learned counsel appearing for the writ petitioner submits that insofar as the first installment is concerned the petitioner does not claim any interest, as the same was paid ***within 30 days*** from the date of retirement. Insofar as the second installment is concerned the petitioner claims interest on the entire amount of the second installment paid since the next date of retirement that is ***April 1, 2023*** till the actual payment made on ***July 17, 2023.***

In view of the above, by consent of the parties the order dated ***April 10, 2024*** stands modified only to the extent that on the amount of second installment paid to the petitioner interest shall be paid at the rate of ***7% per annum*** from the next date of retirement till the actual date payment of the second installment, within a period of ***one month*** from date of communication of this order. In default, the rate of interest shall stand increased to 9% per annum.

Both the writ petitioner and the corporation shall serve a copy of today's order upon the respondent no. 1 who in turn shall forthwith positively allot and disburse the necessary fund in favour of the corporation positively within a period of ***two weeks*** from the date of communication of this order. The corporation then immediately shall pay the petitioner by crediting his bank account within ***three working days*** from the date of receiving the fund from the state.

The order dated ***April 10, 2024*** stands modified to the above extent, only by consent of the parties.

Accordingly, ***CAN 1 of 2024***, stands ***allowed***, without any order as to costs.

(Aniruddha Roy, J.)