09.07.2024
Sl. No. 58
Ct. No. 23
Srimanta

WPA/6541/2024

Anil Kumar Naskar
-Vs.-
Calcutta State Transport Corporation & Ors.

Mr. Dilip Kumar Chatterjee,
Mr. Durga Bhusan Mukherjee,
Mr.Adrija Chatterjee
…for the petitioner.
Mr. N.C. Bihani,
Mr. D. Mukherjee
…for the CSTC.

The petitioner retired from the services of Calcutta State Transport Corporation (in short, CSTC) on 28th February, 2023. The petitioner says that 25% of his Contributory Provident Fund (in short, CPF) amount was paid in time but 75% thereof aggregating to Rs. 18,13,180/- was paid only on 3rd August, 2023 and as such there was a delay of about five months in making payment of the 75% of the Contributory Provident Fund amount. The petitioner claims interest on account of such delayed payment. The matter was adjourned on the previous occasion to enable the learned Advocate for CSTC to take instructions as it was noticed by this Court that there are recent judgments of a Hon'ble Division Bench of this Court allowing 8% interest on delayed payment of service related claim while in case of CSTC the consistent view is to allow payment of interest @ 6% for delayed payment in view of the schemes prepared by the Transport Department, Government of West Bengal in association with the Finance Department, Government of West Bengal and duly accepted by this Court dealing with the interest rate for the delay in making payment of the retiral benefits. It is submitted by Mr. Nayan Bihani, learned Advocate appearing for CSTC by placing the schemes framed from time to time to deal with the issue of delayed payment of retiral benefits to the employees of CSTC formulated by the Transport and Finance Department, Government of West Bengal pursuant to the orders passed by this Court that the interest rate provided therein is 6% simple interest per annum. It is further shown that the interest rate under the scheme on account of delayed payment was accepted as 6% by this Court even though the interest rate for delayed payment of gratuity and provident fund at the relevant point of time was higher than 6%. This Court as shown from various orders have been awarding interest at the rate of 6% per annum. It is further submitted by Mr. Bihani that the two orders passed by the same Division Bench were in respect of payment of *ex gratia* amount and not towards retiral benefits. Drawing an analogy from the scheme it is submitted by Mr. Bihani that in the instant case, the Division Bench judgments will not be applicable as the interest rate provided under the scheme formulated on being directed by this Court which were subsequently accepted by this Court only provides for interest at the rate of 6%.

Although, the rate of interest allowed by the Division Bench is 8% and it relates to service related claim but in view of the schemes and consistent view of this Court to allow 6% interest in case of CSTC, I am inclined to accept 6% interest for the delay payment of retiral benefits.

In the aforesaid facts and circumstances, this matter is disposed of directing the respondents, CSTC to pay 6% interest on Rs.18,13,180/- for the period 1st March, 2023 till 3rd August, 2023. Nothing further remains to be adjudicated and as such the writ petition is disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)