

09.07.2024

Ct. 23

D/L 88

ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 11257 of 2024

Atanu Pathak

-Vs-

The State of West Bengal & Ors.

Ms. Susmita Dey (Basu)

... for the petitioner

Mr. N. C. Bihani,
Ms. P. B. Bihani,
Mr. S. Mukherjee

... for the CSTC

Affidavit of service filed in Court today is taken on record.

The petitioner retired from services of Calcutta State Transport Corporation (in short, CSTC) on 31st October, 2023. The retiral benefits of the petitioner was paid in tranches. The leave salary aggregating to Rs.1,65,067/- was paid on 5th January, 2024. The gratuity amount of Rs.12,00,000/- was paid on 19th January, 2024. The petitioner was paid 20% of the provident fund to the tune of Rs.6,34,000/- on 24th November, 2023. Petitioner claims interest on such delayed payments.

In the aforesaid facts and circumstances, after hearing the parties and considering the materials on

record, I find that the petitioner is entitled to receive interest on the leave salary of Rs.1,65,067/- from 1st November, 2023 till 5th January, 2024, on the gratuity amount of Rs.12,00,000/- from 1st November, 2023 till 19th January, 2024 and on Rs.6,34,000/- paid on account of provident fund from 1st November, 2023 till 24th November, 2023 at the rate of 6% per annum. The payment of the principal as also the interest shall be made within a period of three months from the date of communication of a server copy of this order. The CSTC is directed to pay 80% of the unpaid provident fund amount with interest from 1st November, 2023 until the actual payment thereof @ 6% per annum, failing which the entire sum will attract interest @ 8% per annum.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

All parties including the CSTC shall act on the basis of the server copy of this order without insisting upon production of a certified copy thereof.

(Arindam Mukherjee, J.)