

OD-14

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/263/2024

KAJAL KUMAR GUIN
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 9th April, 2024.

Appearance :
Mr. Debdutta Basu, Adv.
... for the petitioner.

Ms. Deblina Chattaraj, Adv.
Ms. Angana Dutta, Adv.
... for respondent corporation.

Mr. Naba Kr. Das, Adv.
Mr. Subhabrata Das, Adv.
... for the State.

The Court : - 1. The petitioner claims interest for delayed payment of his retiral benefits.

2. Admittedly, the petitioner retired from service on 30th April, 2020. He made a representation for release of his terminal dues in time. The petitioner was paid his terminal dues on 9th September, 2020. By representation dated 16th February, 2024, the petitioner prayed for interest on delayed payment of his terminal dues.

3. It is now a settled position of law that terminal benefits to an employee should be paid immediately upon retirement as any delay in payment of the same could lead to serious adverse repercussions on the

employee. Such retired employee does not draw or have any source of income whatsoever to sustain himself. Reference in this regard is made to a decision of the Hon'ble Supreme Court in the case of State of Andhra Pradesh & Anr. vs. Dinavahi Laxmi Kameswari, dated February 8, 2021, rendered in Civil Appeal No.399 of 2021.

4. The petitioner is, therefore, entitled to interest and shall be paid interest on his terminal dues from the date of his superannuation, i.e. 30th April, 2020 till 9th September, 2020, at the rate of 6% per annum. Let such interest be paid within a period of four months from date. In default, the rate of interest shall stand increased to 7% per annum.

5. With the aforesaid directions, WPO No.263 of 2024 stands disposed of. The affidavit of service, filed in Court, be kept with the records.

6. There will be no order as to costs.

(RAJASEKHAR MANTHA, J.)