OD –13

ORDER SHEET

WPO/898/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

TAPAN KANTI SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 20th September, 2024.

Appearance:
Mr. Debdutta Basu, Adv.
Mr. Krishna Pada Santra, Adv.
..For the petitioner

Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
Ms. Priyanka Kundu, Adv.
…For the respondent Corporation

Mr. S. Bandopadhyay, Adv.
Ms. Tapati Samanta
….For the State

The Court: The petitioner retired from the service of Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation Limited (in short "WBTC") on 31st August, 2023 on attaining the age of superannuation. The petitioner has been paid the provident fund (PF) amount of Rs.26,24,574.94/- on 16/02/2024 after a delay of over six months. The petitioner has sought for interest on delayed payment of PF amount.

The petitioner has received the PF amount with accrued interest uptil 31st August, 2023 and as such is entitled to receive interest from 1st September, 2023 to 16th February, 2024.

In the aforesaid facts and circumstances, the petitioner is entitled to receive interest on the said sum of Rs.26,24,574.94/- for delay in paying the same as the respondents have derived benefit out of such money while the petitioner was deprived of the benefit on the money having not been paid immediately upon the same fell due. The petitioner says that the said sum of Rs.26,24,574.94/- was paid on 16/02/2024 and there is no dispute raised about the said date of payment.

Without going into the dispute as who was responsible for the delay and to what extent, I direct the respondents jointly and severally to pay 6% interest on the entire sum of Rs.26,24,574.94/- for the period between 1st September, 2023 till 16th February, 2024 in view of the ratio laid down in **2021(11) SCC 543 State of Andhra Pradesh vs. Dinavahi Lakshmi Kameswari and 2022 (4) SCC 627 Dr. A Selvaraj vs. C.B.M College**. The entire interest on account of delayed payment of Provident Fund shall be paid to the petitioner within a period of four months from date, failing which the interest will be 9% being the present rate of interest in respect of Provident Fund.

Nothing further remains to be adjudicated in this matter. Accordingly, the writ petition stands disposed of.

(ARINDAM MUKHERJEE, J.)

TR/KB.