OD-5 ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/946/2024
IN THE MATTER OF :
GOPAL CH. HAZRA @ GOPAL CHANDRA HAZRA
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 27th September, 2024.

APPEARANCE:
Mr. Debdutta Basu, Adv.
For petitioner
Mr. Naba Kumar Das, Adv.
Mr. Suman Singh, Adv.
For the State
Ms. Deblena Chattaraj, Adv.
Ms. Priyanka Kundu, Adv.
Respondent-Corporation.

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

The petitioner says that he 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 30th April, 2023. The petitioner is entitled to receive his retiral benefits which include the gratuity amount in terms of the provision of Payment of Gratuity Act, 1972, the pension and leave salary within a month from the petitioner's retirement. The petitioner's retiral benefits were paid after seven months from the date of his retirement, the petitioner is entitled to interest on such sums of money.

The petitioner has received the provident fund amount on 5th September, 2023 and a sum of Rs. 11,67,744/- on account of the value of commuted pension. The petitioner says that the petitioner is entitled to interest for the delay in paying the provident fund amount and the commuted value of pension the option whereof was given prior to his retirement.

Without going into the dispute as who was responsible for the delay and to what extent by following the judgment in 2022 (4) SCC 627 (Dr. A. Selvaraj Vs. C.B.M. College and Others), I direct the respondents jointly and severally to pay 6% interest on the principal sum on account of Provident Fund being Rs. 6,74,282/- for the period between 1st May, 2023 to 5th September, 2023 and 6% interest on commuted value of the pension amount of Rs.11,67,744/- from 1st May, 2023 to 4th July, 2023.

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 8.6% being the present rate of interest in respect of Provident Fund. In default of paying the interest on the commuted value of pension the principal sum under such head will attract interest @ 9% per annum.

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

(ARINDAM MUKHERJEE, J.)

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