OD-7 ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/948/2024
IN THE MATTER OF :
SUNIL KUMAR DUBEY
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. Santanu Kumar Mitra, Sr. Govt. Advocate
Mr. Subhabrata Das, 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.

This is an application wherein the petitioner is claiming interest upon delayed payment of his retiral benefits. The petitioner retired on 30th November, 2023 and the provident fund amount of Rs.38,93,434/- was released on 14th August, 2024. The petitioner, therefore, is claiming interest for the period between 1st December, 2023 and 14th August, 2024.

On behalf Calcutta Tramways Company (1978) Ltd. (in short "CTC") now known as West Bengal Transport Corporation Limited (in short "WBTC") it is submitted that her client has taken a policy decision to enquire in the aspect of delay and who is responsible for such delay.

Be that as it may, in view of the ratio laid down in **Dr. A. Selvaraj Vs. C.B.M. College and Others reported in (2022) 4 SCC 627** the dispute between the two agencies cannot be a ground to withhold or delay in paying the retiral benefits of a retired employee. WBTC being the employer is free to enquire upon and fix the liability but is liable at the first instance as to pay the interest for the delayed payment of Rs.38,93,434/- for the period between 1st December, 2023 and 14th August, 2024.

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.38,93,434/- for the period between 1st December, 2023 and 14th August, 2024. 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 stand increased to 8.6% 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.)

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