

04.04.2025
Ct. No. 2
Sl. No.19
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 5448 of 2025

Smt. Soma Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Bikash Show
Mr. Sk. Saad Islam

..... for the Petitioner

Mr. Joyee Maiti

..... for the State

Mr. N. C. Bihani, Sr. Adv.
Mr. P. B. Bihani
Mr. Soumyajit Ghosh

.....for CSTC

The petitioner claims to be the widow of the deceased employee namely Mr. Sushanta Chowdhury, since deceased. The claim of the petitioner is restricted in this writ petition to the extent of payment on gratuity.

To receive Gratuity is the statutory right of a retired employee or of the legal heirs and nominees of deceased employee. Such right cannot be denied at any cost.

In view of the above, the representation dated **October 20, 2024 annexure p-6 at page 25** to the writ petition made on behalf of the petitioner shall be first considered by the respondent nos. 3 and 4 who shall take the decision quantifying the amount positively within a period of **two weeks** from the date of communication of this order and shall communicate the

decision to the petitioner within a further week thereafter.

Immediately thereafter, whatever amount that will be crystallized and calculated by the respondent nos. 3 and 4 payable to the petitioner and the beneficiaries as per the nomination of the deceased employee, in accordance with law, shall be released and paid to the petitioner and such nominees along with interest **at the rate of 6% per annum** from the **next date of the death of the deceased employee** i.e. **May 28, 2022** till the date of actual tendering the amount to the petitioner and the nominees.

The entire payment shall be released and shall be credited in favour of the beneficiaries strictly as per the nomination made by the deceased employee in this regard. Such payment shall positively be made to the beneficiaries within a period of **four weeks** from the date of the said decision to be taken by the respondent nos. 3 and 4 as directed above. All necessary consequential steps shall be taken and co-operation shall be made by **The Secretary, CSTC Employees' Provident Fund Trustee Board, 5 Nilgunge Road, Kolkata-700056**, treating this direction to be **mandatory**.

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

With the above observations and directions, this writ petition, **WPA 5448 of 2025** stands ***disposed of***, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)