

51. 22.05.2025
Court No.02.

(Pritam)

WPA 9831 of 2025

Samir Kumar Sen.
-Vs.-
The State of West Bengal & Ors.

Mr. Srinjoy Sengupta,
Mr. Saurav Roy,
Mr. Ankush Ghosh,
Mr. Prasenjit Jana,
Mr. Aneeque Ahmed.

.....for the petitioner.

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

...for the C.S.T.C.

Affidavit-of-service filed in court today be taken
on record.

Mr. Sengupta, learned advocate appears for the
petitioner.

No one appears on behalf of the State.

Mr. Bihani, learned senior advocate appears on
behalf of the C.S.T.C.

The petitioner retired from services of Calcutta
State Transport Corporation (in short, CSTC) on
31.12.2024. The retiral benefits of the petitioner was
paid in tranches. The Contributory Provident Fund
amount of **Rs.8,66,000/-** was paid on **30.01.2025**.
The gratuity amount of **Rs.13,44,323/-** was paid on
07.02.2025. The petitioner was paid 20% of the
provident fund to the tune of **Rs.8,66,000/-** on

30.01.2025. Petitioner claims interest on such delayed payments.

In the aforesaid facts and circumstances, after hearing the parties and considering the materials on record, I find that the petitioner is entitled to receive interest on the leave salary of **Rs.4,02,456/-** from **01.01.2025** till **30.01.2025**, on the gratuity amount of **Rs.13,44,323/-** from **01.01.2025** till **07.02.2025** and on **Rs.8,66,000/-** paid on account of provident fund from **01.01.2025** till **30.01.2025 at the rate of 6% per annum.** The payment of the principal as also the interest shall be made within a period of **three months** from the date of communication of a server copy of this order. The CSTC is directed to pay 80% of the unpaid provident fund amount with interest from **01.01.2025** until the actual payment thereof @ 6% per annum, failing which the entire sum will attract interest @ 8% per annum.

In addition to the above, the petitioner submits that he has been paid the leave encashment benefit for **180 days**, whereas, he claims the same for **300 days.** This court expresses no opinion on the same. However, the petitioner shall be at liberty to make a representation before the respondent no.5 in this regard. In the event, such representation is made, the same shall be considered by the respondent no.5 by passing a reasoned order in accordance with law within

six weeks from the date of receiving of such representation. This direction shall not create any right and equity in favour of the petitioner, if the petitioner does not succeed to his claim for the said balance leave encashment benefit strictly in accordance with law.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

All parties including the CSTC shall act on the basis of the server copy of this order without insisting upon production of a certified copy thereof.

With the aforesaid observations and directions, this writ petition being **WPA 9831** of **2025** stands disposed of.

(Aniruddha Roy, J.)