

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

30.06.2025
Ct. no.2
Daily List Sl. 27
Moumita

**W.P.A. 12884 of 2025
Binode Behari Dey
Vs.**

The State of West Bengal & Ors.

Mr. Himadri Sekhar Chakraborty, Adv.

Ms. Priyanka Chandra, Adv.

.... For the Petitioner

Mr. Nayan Chand Behani, Sr. Adv.

Mr. Soumyajit Ghosh, Adv.

....For the CSTC

Mr. Srijan Nayak, Adv.

Mrs. Rituparna Maitra, Adv.

....For the State

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

Mr. Himadri Sekhar Chakraborty, learned advocate and Ms. Priyanka Chandra, learned Adv. appear for the petitioner.

Mr. Nayan Chand Behani, learned Senior advocate with Mr. Soumyajit Ghosh, learned advocate appear for the CSTC.

Mr. Srijan Nayak, learned Advocate and Mrs. Rituparna Maitra, Adv. appear for the State.

Rest of the respondents are not represented, despite notice.

The admitted position is that the petitioner is a retired employee of **respondent no.3**, retired on **June 30, 2024** as would be evident from **annexure p-2 at page-12** to the writ petition. On retirement, petitioner has received **20%** of the total Provident

Fund accrual and the balance **80%** has not yet been paid to the petitioner.

The petitioner claims the said balance **80%** of the Provident Fund dues along with interest.

In view of the above, the petitioner shall serve a copy of the complete set of writ petition along with a copy of today's order upon the respondent nos. 5 and 6 forthwith.

The **respondent no.5** then upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing and upon proper verification of records **in consultation with the respondent no.6** if comes with the finding that the balance **80%** of the Provident Fund accrual has not been released in favour of the petitioner, the said quantum shall immediately be quantified and paid to the petitioner. While making such payment, the respondent nos.5 and 6 shall calculate **interest** at the **rate of 6% per annum** on the said balance amount of 80% of the Provident Fund accrual since the **next date of retirement** of the petitioner being **July 1, 2024** till the actual tendering of the amount to be tendered to the petitioner and shall pay the entire amount with interest to the petitioner by crediting the Bank account of the petitioner.

This entire exercise shall be carried out and completed including the payment to be made to the petitioner by the respondent nos. 5 and 6 positively within a period of **six weeks** from the date of communication of this order.

In the event, the record shows that the amount has already been paid or part of it has been paid then the necessary decision shall be taken by the respondent nos. 5 and 6 accordingly but the **interest** shall be paid as directed above on the unpaid amount. The reasoned decision shall be communicated to the petitioner within the said period of **six weeks**.

In the event of default, the interest shall be @ **8% per annum**, if the amount is not paid within **six weeks** as directed above.

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 12884 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this judgment, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)