OD-6

ORDER SHEET

WPO/2491/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ADHIR RANJAN GOSWAMI
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE ANANYA BANDYOPADHYAY
Date : 10th April, 2025

Appearance
Mr. Debdutta Basu, Adv.
...for the petitioner

Mr. Niladri Bhattacharya, Adv.
Ms. Deblina Chattaraj, Adv.
...for the respondent Corporation

The Court: The petitioner was a permanent employee of the West Bengal Transport Corporation Limited (formerly known as The Calcutta Tramways Company (1978) Limited) who served as Assistant Engineer No-6554/36 and retired from the said service on 31st January, 2016 having attained the age of 60 years. The petitioner received the gratuity in terms of provisions of Rules/Acts in time. The recommendation of Sixth Pay Commission was adopted by the Corporation on 1st of January, 2020, effect to be given from 1st of January, 2016 in terms of the communication of the Transport Department being no. 705-WT/TR/0/7T-07/19, dated 22nd January, 2020 which elucidated that the employees who retired from service on and from 1st of January, 2016 would be entitled to an enhanced gratuity in terms of the revised rate mentioned in the aforesaid communication. The petitioner contended that the gratuity was to be paid within 30 days of his retirement and, in default, interest was to be paid in terms of the statutory mandate. On retirement, the petitioner was paid a sum of Rs.2,00,000/- towards gratuity on 12th March, 2021. The petitioner claimed an amount of gratuity to be disbursed from 1st of February, 2018 till 12th March, 2021 with an interest at the rate of 12% per annum, vide a communication dated 26th March, 2021.

Learned Advocate representing the petitioner submits that the petitioner is entitled to an interest on the differential sum of gratuity to be paid from 1st of February, 2018 till 12th March, 2021 along with the interest at the rate of 12% per annum.

Learned Advocate representing the respondents has placed an order passed by the Division Bench of this Court on 14th May, 2024, which inter alia, stated as follows:-

> *"The memorandum issued by the Transport Department dated 22nd January, 2020 has clearly stated that differential payment would be extended as a special case for the employees who retired or died during the period from 1st January, 2016 to 31st December, 2019. The right to receive differential amount of gratuity in favour of the employees who have retired during the period emanates from the Memorandum dated 22nd January, 2020 and it was extended as a special case. The writ petitioner did not allege that although ROPA 2019 was introduced earlier he did not receive the benefits of ROPA 2019 as he realized that unless it is adopted by the appellant he would not be entitled to such benefit. The Transport Department by the aforesaid memorandum has decided to extend such benefit which the Corporation adopted*

> *on or after 22nd January, 2020 and thereby the obligation of the Corporation to pay the amount towards gratuity would commence from the date of the memorandum dated 22nd January, 2020.*
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> *In view of the aforesaid, we modify the order of the learned Single Judge by directing the Corporation to pay interest on the differential amount from February, 2020 till the date of actual payment i.e. 12th March, 2021 at the rate of 6% per annum within a period of four weeks from date. In default, the rate of interest shall stand increased to 10% per annum as directed by the learned Single Judge."*

Since the issue in question has been conclusively determined by the aforesaid Division Bench of this Hon'ble High Court in APOT No. 243 of 2022 arising out of WPO/2574/2022 *(West Bengal Transport Corporation Ltd. & Ors. Vs. Pravakar Ghosh & Ors.)* with OCOT No. 1 of 2023 *(Pravakar Ghosh Vs. The State of West Bengal & Ors.)*, the petitioner is entitled to receive interest @ 6% per annum on Rs.2,00,000/- to be deduced from February, 2020 till 12th March, 2021 within a period of four weeks from the State. In default, the rate of interest will be enhanced to 10% per annum.

The instant writ petition is, accordingly, disposed of.

(ANANYA BANDYOPADHYAY, J.)

sg.