

29.01.2026

Court No. 02

Item No 30

adeb

WPA 762 of 2026

Bidhan Kumar Banik

-Versus-

The State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,

Ms. Susmita Dey (Basu)

Mr. Kaustav Ghosh

.....for the petitioner

Mr. Sadhan Kr. Halder

Mr. Abhijit Ghosh

.....for the State

Mr. N. C. Bihani, Ld. Sr. Adv.,

Ms. Sahina Sumi

....for the CSTC

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) Petitioner was an employee of Calcutta State Transport Corporation (for short 'Corporation'), who retired on superannuation on 30th June, 2025.
- 3) It is submitted on behalf of the petitioner that petitioner was under general provident fund scheme and after retirement provident fund due till date is not paid to the petitioner. Prayer is made for payment of provident fund, interest on provident fund dues and consolidation of gratuity based on revised definition of "monthly emoluments" which includes basic pay and dearness allowance for calculation of gratuity. In this regard reliance is placed on the order passed by this Court on 19th January, 2026 on a writ petition being **W.P.A. 26051 of 2025 (Sanjoy Mondal & Ors. Vs. State of West Bengal & Ors.)**.

4) Calcutta State Transport Corporation and State respondents are represented by learned advocates.

5) Having considered the case made out in this writ petition, Court finds it apt to direct the concerned authority of Corporation to pay provident fund dues to the petitioner by six (6) weeks from the date of communication of this order.

6) Since it is found that Corporation caused delay in releasing provident fund dues, said authority is directed to pay interest at the rate of 6 per cent *per annum* on provident fund from the date following the date of retirement till the date of payment within a period of three (3) months from the date of communication of this order.

7) Concerned authorities of Corporation are also directed to consolidate gratuity of the petitioner based on new definition of expression “monthly emoluments” as decided in **Sanjoy Mondal** (supra). While calculating gratuity of the petitioner, if it is found that petitioner is entitled to receive enhanced gratuity, same shall be paid to the petitioner by ten (10) weeks from date of communication of this order. However, it is made clear that petitioner is not entitled to receive interest on enhanced gratuity on consolidation thereof since the issue is decided on 19th January, 2026 in **Sanjoy Mondal** (supra) based on affidavit filed by Joint Secretary to the Government of West Bengal, Transport Department, which was affirmed on 16th January, 2026.

8) If it is required State respondents shall allot necessary fund for releasing benefit in

favour of the petitioner as directed by this Court.

9) With the aforesaid directions writ petition stands disposed of.

10) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)