

13.
(DL)

02.02.2026
Ct. No. 02
(ARPAN)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 789 OF 2026

SUBIR KUMAR DUTTA

VS.

THE STATE OF WEST BENGAL & OTHERS

Mrs. Susmita Dey (Basu), Adv.

Mr. Antarik Dawn, Adv.

...for the Petitioner

Mr. Samir Kumar Ghosh, Adv.

...for the State

Ms. Sahina Sumi, Adv.

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

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 31st January, 2025.
3. It is submitted on behalf of the petitioner that petitioner was under general provident fund scheme and after retirement 50 per cent of provident fund due was paid to the petitioner belatedly. Prayer is made for payment of unpaid 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 **WPA 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 50 per cent unpaid 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.

8. 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.
9. If it is required, State respondents shall allot necessary fund for releasing benefit in favour of the petitioner as directed by this Court.
10. With the aforesaid directions writ petition stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)