

05-05-2026
Item No.58 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.5272 of 2026

Debojyoti Banerjee

-vs-

The State of West Bengal & Ors.

Mr. Manas Kumar Ghosh
Ms. Susmita Dey (Basu)
Mr. Antarik Dawn ...for the petitioner

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

1. The petitioner claims to be the son of a retired employee of Calcutta State Transport Corporation (CSTC) who retired from service on attaining his normal age of superannuation on September 30, 2025. The employee expired on February 3, 2026. The mother of the petitioner, that is the wife of the employee, predeceased her husband.
2. Allegation is that the employee did not receive his terminal dues including the provident fund. The employee received the gratuity amount at a belated date.
3. Prayer has been made for releasing the provident fund dues and for grant of interest on account of delayed payment of gratuity.
4. As receiving the provident fund, gratuity and leave encashment would be the statutory dues of a retired employee; accordingly, the employer would be duty bound to disburse the same immediately on retirement of the employee or soon thereafter. There ought not to have been any delay in

- disbursing the terminal dues of a retired employee.
5. In view of the above, the instant writ petition is disposed of by directing the Managing Director, CSTC to take steps for releasing the provident fund dues to the petitioner.
 6. As the retired employee will receive the terminal dues after a considerable delay, accordingly, the amount shall be disbursed along with simple interest calculated at the rate of 6% p.a. on the due amount from the next date of retirement till the date of actual payment within twelve weeks from the date of communication of this order.
 7. It is made clear that if the amount is not disbursed within the aforesaid time limit, then the petitioner would be entitled to receive 2% additional interest i.e. $6\% + 2\% = 8\%$ interest on the due amount calculated on and from the next date of retirement till the date of actual payment.
 8. The writ petition is disposed of.
 9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
 10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

