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15.06.2026
Court No.18
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12564 of 2026

Afzal Hussain
-versus
The State of West Bengal & Ors.

Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Ankush Ghosh
Mr. Prasenjit Jana
... For the petitioner

Ms. Aparna Banerjee, AGP
Mr. Brijendra Pratap Singh
... For the State

Ms. Deblina Chattaraj
Ms. Poulami Chattopadhyay
... For the WBTC Limited

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioner retired on superannuation from the Calcutta Tramways Company (1978) Limited currently known as the West Bengal Transport Corporation Limited on 30th November, 2024. The grievance of the petitioner is that the gratuity, leave encashment and other dues were released in favour of the petitioner on 27th January, 2025 and the provident fund dues were released in favour of the petitioner on 10th February, 2026, belatedly.

3. The petitioner prays for interest on account of delay in releasing the provident fund, gratuity, leave encashment and other dues.

4. It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Retiral dues are no more considered to be a bounty to be handed out by the State at its whim. An employee has a statutory right to receive such payment upon retirement. If payment is delayed, the retired employee is surely entitled to get some interest for such delayed payment.

5. In the present case, it was the bounden duty of the employer to disburse the provident fund amount on the due date. As the employer has failed to do so and has released such amount after unexplained delay, the employer is obliged to pay interest to the retired employee.

6. In view of the above, I direct the concerned authority of the Corporation to pay to the petitioner simple interest at the rate of 6% per annum on provident fund, gratuity, leave encashment and other dues calculated on and from the next date of retirement till the date of actual payment within a period of four months from the date of communication of this order.

7. In default of paying interest to the petitioner in terms of the aforesaid direction, the concerned respondent authority shall be liable to pay additional simple interest at the rate of 2% i.e. 6+2= 8% on provident fund, gratuity, leave encashment and other dues.

8. The writ petition stands disposed of.

9. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)