

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 15061 OF 2025

Roshan Lal

VS.

The State of West Bengal & Ors.

Mr. Srinjay Sengupta,
Mr. Saurav Roy,
Mr. Ankush Ghosh,
Mr. Prasenjit Jana

...for the Petitioner.

Mr. Niladri Bhattacharjee,
Ms. Deblina Chattaraj,
Mr. Poulami Chattopadhyay

...for WBTCCL.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was an employee of West Bengal Transport Corporation who retired on superannuation on 29th February, 2020. After superannuation petitioner was not paid retiral dues i.e. provident fund, gratuity and leave salary within time. Petitioner was paid aforesaid benefits due to superannuation on 14th July, 2020. By presenting this writ petition petitioner has claimed interest on retiral dues.
3. Such claim of the petitioner is opposed by the learned advocate representing West Bengal Transport Corporation on the ground of delay. It is submitted that petitioner ought to have approached this Court claiming interest within three years from the date of arising cause of action claiming interest failing which petitioner is not entitled to claim interest.

4. During course of argument both the learned advocates representing the parties have relied upon the judgment of the Hon'ble Supreme Court, reported in **(2008) 8 SCC 648 (Union of India & Ors. v. Tarsem Singh)**. In paragraph 7 of **Tarsem Singh** (supra) it was observed that belated service related claim will be rejected on the ground of delay and laches. However, continuing wrong was found to be an exception. Where a service related claim is based on continuing wrong, relief can be granted even if there is long delay in seeking remedy.
5. It was also observed therein that if the grievance is in respect of order or administrative decision which related to or affected several others also and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained.
6. It was further observed that in the case of consequential relief of recovery of arrears for a past period is concerned, principles relating to recurring/successive wrongs will apply. As a consequence, the High Court should restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.

7. The case at my hand is not recovery of arrears based on consequential relief. Admittedly, there was delay on the part of respondent authorities in releasing retiral dues.
8. Respondent authorities got the benefit of keeping the corpus with them for an extended period consequently petitioner could not utilize the fund even after his retirement. Delay in releasing retiral dues is attributable to the respondent authorities. Furthermore, it is not the case of affecting right of third party.
9. Hence, concerned authority of West Bengal Transport Corporation is directed to pay interest on provident fund, gratuity and leave salary which were belatedly paid to the petitioner at the rate of 6 per cent *per annum* 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.
10. In the event concerned respondent authority fails to pay interest on retiral dues in terms of the aforesaid directions within the stipulated time, respondent authority shall be required to pay 8 per cent interest *per annum* on deferred payment.
11. With the aforesaid directions writ petition stands disposed of.

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

(SAUGATA BHATTACHARYYA, J.)