

27th March., 2026

Item no.D/L 01
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 16339 of 2024**

In the matter of :

Ashok Kumar Gupta

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Kamlesh Jha
Ms. Srabani Biswas
Mr. Raihan Islam

....Advocates

For the State:

Ms. Joyee Maiti

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner was serving as a Conductor in West Bengal Transport Corporation Limited. He retired from service on 30.09.2018.
3. The grievance of the petitioner is that the gratuity amount and other retiral dues were disbursed in his favour only on 21.12.2018. The petitioner claims interest on delayed payment of the gratuity amount and all other retiral benefits.
4. I have heard learned counsel for the parties and considered the orders passed by this Court in similar facts.
5. It is settled law that the right of a retired employee to get his/her retiral dues on the date of attaining superannuation is a valuable right which accrues in his/her favour on the date of his attaining superannuation. Further, gratuity and pension 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 gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired employee is surely entitled to get some interest for such delayed payment.

6. In the present case, it was the bounden duty of the authority to disburse the terminal dues on the due date. As it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.
7. In view of the aforesaid, I direct the Managing Director, West Bengal Transport Corporation being the respondent no. 4 herein to pay interest to the writ petitioner at the rate of 6% per annum on the gratuity amount and all other retiral benefits calculated on and from the next date of retirement till the date of actual payment, provided the delay caused was not attributable to the petitioner.
8. Such payment is to be made within twelve weeks from the date of communication of the certified copy of this order.
9. The writ petition stands disposed of.
10. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)