

08.
(DL)

19.01.2026
Ct. No. 02
(Suvendu)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 26051 OF 2025

SANJOY MONDAL & OTHERS
VS.
STATE OF WEST BENGAL & OTHERS

Ms. Susmita Dey (Basu), Adv.
Mr. Antarik Dawn, Adv.
...for the Petitioner

Mr. K.J. Yusuf, Ld. AGP
Mr. Saurav Chaudhuri, Adv.
...for State

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

1. In terms of order dated 4th December, 2025 a report is filed by the Joint Secretary to the Government of West Bengal, Transport Department which is in the form of affidavit affirmed on 16th January, 2026 and same is taken on record.
2. Learned advocates representing the parties have jointly drawn attention of this Court to memo dated 14th January, 2026 issued by the Joint Secretary to the Government of West Bengal, Transport

Department being respondent no. 6 addressed to the Managing Director, Calcutta State Transport Corporation (for short, "CSTC") being respondent no. 5 wherein it is clarified that *"The date of effect of the revised definition of "monthly emoluments" while calculating Retirement/Death Gratuity may be considered from 01.01.2016 in the best interest of the employees of CSTC. If the employees of CSTC are covered under the Payment of Gratuity Act, 1972, the admissible gratuity may be settled following the relevant provisions of the Act."*

3. It is submitted by learned advocate representing the petitioners that revised definition of expression "monthly emoluments" as delineated in communication dated 4th September, 2025 shall include basic pay and dearness allowance.
4. In clarificatory communication dated 14th January, 2026 of respondent no. 6 it is made clear that from 1st January, 2016 new definition of expression "monthly emoluments" has been made effective in calculating gratuity of retired employees of CSTC.
5. In the present case all the five petitioners as it has been submitted by learned advocate representing the petitioners retired after 1st January, 2016. It is found

that petitioners are entitled to get the benefits of new definition of expression “monthly emoluments” while calculating their gratuity.

6. Hence, concerned authorities of CSTC are directed to consolidate gratuity of the petitioners based on new definition of expression “monthly emoluments” as contained in the communication dated 4th September, 2025 of respondent no. 6 and while calculating gratuity of the petitioners if it is found that they are entitled to receive enhanced benefits towards gratuity, same shall be paid to the petitioners by ten weeks from date of communication of this order.
7. At the time of extending revised benefits towards gratuity in the event it is required concerned State authority shall provide necessary funds to CSTC.
8. Writ petition stands disposed of.
9. There shall be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)