

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

W.P.A. 28858 OF 2025

Nirmal Kumar Majhi
VS.
The State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,
Mrs. Susmita Dey (Basu),
Mr. Kasutav Ghosh
...for the Petitioner

Mr. Saibal Acharya,
Mr. Janardan Mandal
...for the State

Mr. N.C. Bihani, Sr. Adv.
Mr. Soumyajit Ghosh, Adv.
...for C.S.T.C.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was an employee of Calcutta State Transport Corporation, who retired on superannuation on 31st December, 2024.
3. It is submitted on behalf of the petitioner that petitioner was under contributory provident fund scheme and after retirement 20 per cent of provident fund due was paid to the petitioner belatedly. Likewise, gratuity was also paid to the petitioner not on the date of retirement but subsequently. Petitioner has made two-fold prayer; payment of 80 per cent unpaid provident fund dues and interest on gratuity and Provident Fund dues which are paid belatedly.
4. Calcutta State Transport Corporation and the State respondents are represented by learned advocates.

5. Having considered the case made out in this writ petition, Court finds it apt to direct the concerned authority of Calcutta State Transport Corporation to pay 80 per cent unpaid provident fund dues to the petitioner by six (6) weeks from the date of communication of this order.
6. Since it is found that Calcutta State Transport Corporation caused delay in releasing retiral dues, said authority is directed to pay interest at the rate of 6 per cent *per annum* on gratuity and provident fund dues from the date following the date of retirement till the date of payment of those amounts within a period of three (3) months from the date of communication of this order.
7. In the event concerned respondent authority fails to pay unpaid provident fund dues and 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.
8. With the aforesaid directions writ petition stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)