

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 29363 OF 2025

Ashoke Kumar Sarkar

VS.

The State of West Bengal & Ors.

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

...for the Petitioner.

Ms. Nilanjana Banerjee Pal

....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 28th February, 2025.
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. Likewise, leave salary and gratuity were 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 retiral dues due to delayed payment.
4. Calcutta State Transport Corporation and 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 leave salary and gratuity 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. If it is required State respondents shall allot necessary fund for releasing benefit in favour of the petitioner as directed by this Court.
9. A case is also made out that petitioner is entitled to receive leave encashment benefits for 300 days but

the respondent authority has paid leave encashment benefits against 180 days.

10. Leave is also granted to the petitioner to make a representation to the Managing Director, Calcutta State Transport Corporation being respondent no.5 seeking consolidation of leave encashment benefits based on 300 days not against 180 days.
11. If such representation is made by fortnight from date, same shall be decided by the respondent no.5 by twelve weeks thereafter.
12. With the aforesaid directions writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)