

N.22S1
151/CL

WPA 4468 of 2026

Swapan Garai

v.

The State of West Bengal & Ors.

07.07.26
DL-30
Ct-18
(S.R.)

Ms. Susmita Dey Basu
Mr. Kaustav Ghosh ... for the petitioner.

Ms. Aparna Banerjee, AGP
Mr. S. Majumdar ... for the State.

Mr. N.C. Bihani, Ld. Sr. Adv.
Ms. Sahina Sumi ... for the CSTC.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a retired employee of Calcutta State Transport Corporation (CSTC). He retired from service on attaining his normal age of superannuation on 31st October, 2025.
3. The petitioner alleges that he has not yet received his provident fund dues till date. He also alleges that his gratuity and leave salary was disbursed in his favour belatedly. The petitioner prays for his provident fund along with interest and interest on account of delayed payment of his terminal dues.
4. Reliance has been placed on an order dated January 15, 2026 passed by this Court in WPA No.28860 of 2025.
5. As receiving the provident fund, gratuity and leave encashment would be the statutory dues of a retired employee; accordingly, the employer would

be duty bound to disburse the same immediately on retirement of the employee or soon thereafter. There ought not to have been any delay in disbursing the terminal dues of a retired employee.

6. In view of the above, the instant writ petition is disposed of by directing the Managing Director, CSTC to take steps to release the provident fund dues to the petitioner.
7. As the retired employee will receive the terminal dues after a considerable delay, accordingly, the amount shall be disbursed along with simple interest calculated at the rate of 6% per annum from the next date of retirement till the date of actual payment within twelve weeks from the date of communication of this order.
8. As the petitioner received the gratuity and leave encashment at a belated date, he shall be entitled to simple interest on the gratuity and leave encashment amount calculated at the rate of 6% per annum which should be paid on and from the next date of retirement till the date actual payment.
9. The aforesaid amount shall be cleared within twelve weeks from the date of communication of this order.
10. It is made clear that if the amount is not disbursed within the aforesaid time limit, then the petitioner would be entitled to receive 2% additional interest i.e. $6\%+2\% = 8\%$ interest on the due amount calculated on and from the next date of retirement

till the date of actual payment.

11. In the event, at the time of disbursement, the authorities do not have sufficient funds, the State authorities are directed to disburse the concerned amount in favour of the respondent no.5.
12. The writ petition stands disposed of.
13. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Reetobroto Kumar Mitra, J.)