

28.08.2026

Item no.D/L 44
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 22322 of 2026**

In the matter of:

Samir Kumar Das

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Srinjay Sengupta

Mr. Sourav Roy

Mr. Akash Ghosh

Mr. Prasenjit Jana

....Advocates

For the WBTC:

Mr. Niladri Bhattacharjee

Ms. Poulami Chattopadhyay

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner retired on superannuation from the Calcutta Tramways Company (1978) Limited currently known as the West Bengal Transport Corporation Limited on 31st January, 2021. The grievance of the petitioner is that the gratuity, leave encashment and other dues were released in favour of the petitioner on 6th April, 2021 and the provident fund dues were released in favour of the petitioner on 8th April, 2021.
3. The petitioner prays for interest on account of delay in releasing the provident fund, gratuity, leave encashment and other dues.
4. It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Retiral dues 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 such payment upon retirement. If payment is delayed, the retired employee is surely entitled to get some interest for such delayed payment.

5. In the present case, it was the bounden duty of the employer to disburse the provident fund amount on the due date. As the employer has failed to do so and has released such amount after unexplained delay, the employer is obliged to pay interest to the retired employee.
6. In view of the above, I direct the concerned authority of the Corporation to pay to the petitioner simple interest at the rate of 6% per annum on provident fund, gratuity, leave encashment and other dues calculated on and from the next date of retirement till the date of actual payment within a period of four months from the date of communication of this order.
7. In default of paying interest to the petitioner in terms of the aforesaid direction, the concerned respondent authority shall be liable to pay additional simple interest at the rate of 2% i.e. $6+2=8\%$ on provident fund, gratuity, leave encashment and other dues.
8. The writ petition stands disposed of.
9. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)