

07 **10.09.**
2026

Ct. No. 18

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4216 of 2026

Asis Kumar Das
Vs.
The State of West Bengal and others.

Ms. Susmita Dey (Basu),
Mr. Kaustav Ghosh,
Mr. Antarik Dawn.

... for the petitioner.

Mr. N. C. Bihani,
Mr. Soumyajit Ghosh.

... for the CSTC.

1. The affidavit of service filed today is taken on record.
2. The petitioner is a retired employee of the Calcutta State Transport Corporation. He is aggrieved by the act of the employer in deducting a sum of Rs. 48,164/- from his leave encashment.
3. Prayer has been made to direct the respondent authority to refund the aforesaid amount along with interest.
4. Reliance has been placed on the judgment delivered by the Hon'ble Supreme Court in the matter State of Punjab & Ors. vs. Rafiq Masih (White Washer) & Ors., reported in (2015) 4 SCC 334.
5. Reliance has also been placed on the order passed by this Court on 21st May, 2025 in WPA 6364 of 2025 in the matter of Asim Kumar Kundal vs. State of West Bengal & Ors., wherein, under similar circumstances,

the Court directed refund of the amount deducted along with interest.

6. Upon hearing the submissions made on behalf of the petitioner and on perusal of the report filed by the respondent authority it appears that the petitioner retired from service on attaining his normal age of superannuation on 28th February 2023. He was serving in a Group-‘C’ post. The amount has been deducted from his terminal dues.
7. The Hon’ble Supreme Court in *Rariq Masih* (supra) clearly laid down that recovery from retired employees is impermissible.
8. The same principle has been followed in the matter of *Asim Kumar Kundal* (supra).
9. The Managing Director of CSTC will ascertain the amount due and payable on account of leave encashment. If such amount is found due and payable, the same will be disbursed along with simple interest at the rate of 6% per annum from the date of deduction till refund thereof within a period of eight weeks from the date of communication of this order.
10. The SCTC will also pay interest at the rate of 6% per annum being a reasonable rate of interest, as granted on fixed deposits in Nationalized banks on the Provident Fund, Gratuity and Leave Salary, which has already been paid from the date it accrued till the date of actual payment.

11. With the afore-stated directions, the writ petition is disposed of.
12. There shall, however, be no order as to costs.
13. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)