

N.22S1
151/CL

WPA 13851 of 2026

Chanchal Kumar Deb

v.

The State of West Bengal & Ors.

07.07.26
DL-38
Ct-18
(S.R.)

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

Ms. Aparna Banerjee, AGP
Mr. Kaustuv Seal ... for the State.

Mr. N.C. Bihani, Ld. Sr. Adv.
Mr. Soumyajit Ghosh ... 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 28th February, 2023.
3. The petitioner alleges that he received only 20% of his provident fund dues. He also alleges that his gratuity and leave salary has not been paid till date. The petitioner prays for 80% of his provident fund, gratuity and leave salary.
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 balance amount of provident fund dues, gratuity and leave salary 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 will receive the gratuity and leave encashment after a considerable delay, 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.)