

WPA 4528 of 2026

Rupa Mukhrjee
-versus
The State of West Bengal & Ors.

Ms. Susmita Dey (Basu)
Mr. Kaustav Ghosh
Mr. Antarik Dawn
... for the petitioner

Ms. Sahina Sumi
... for CSTC

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a widow of a retired employee of Calcutta State Transport Corporation (CSTC). He died in harness on 06.05.2025.
3. Allegation is that she received only 20% of her husband's provident fund dues. She also alleges that gratuity was disbursed in her favour belatedly. The petitioner prays for interest on account of delayed payment of her husband's 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 and gratuity 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 Managing Director, CSTC is directed to take steps to release the balance 80% of 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 at a belated date, she shall be entitled to simple interest on the gratuity 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. However, by Memo No. 923/1(6)/CSTC dated September 22, 2025, even though gratuity was sanctioned to the tune of Rs.13,05,914/-, a sum of Rs.28,605/- was recovered from the sanctioned gratuity amount as overpayment, without being heard in any manner.

12. The dictum of the Hon'ble Supreme Court of India in State of Punjab & Ors. vs. Rafiq Masih reported in (2015) 4 SCC 334, is clear. Such terminal benefits cannot be recovered from a retired employee on the ground of overpayment.

13. The authorities are willing to refund the same within a reasonable time.

14. Let such payment be made by November 15, 2026.

15. Since these are the benefits payable to the petitioner and the same have been wrongly recovered, the petitioner is entitled to interest at the rate of 6% per annum from the date of recovery till the date of actual payment.

16. With the observations, the writ petition is disposed of.

17. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

18. 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.)