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(CO-DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/25909/2026

KORBAN ALI MISTRY
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Susmita Dey (Basu), Advocate
Mr. Kaustav Ghosh, Advocate
.....for the Petitioner

Mr. Soumyajit Ghosh, Advocate
.....for the CSTC

Mr. Sobhan Majumder, Advocate
Mr. Bikramjit Mondal, Advocate
.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is a retired employee of Calcutta State Transport Corporation (CSTC). He retired from service on May 31, 2026.
3. The petitioner alleges that he has not received his provident fund dues. He also alleges that his gratuity and leave salary was disbursed in his favour belatedly. The petitioner prays for interest on account of delayed payment of his terminal dues.
4. Reliance has been placed on an order dated May, 12, 2026 passed by this Court in WPA/8290/2026.
5. As provident fund, gratuity and leave encashment are 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 entire amount 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 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 3 of actual payment.
11. The writ petition stands disposed of.
12. Certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.)