

**19.02.2014**

**S.L.45**

**m.d**

**W.P.5088 (W) of 2014**

*Ranjit Kumar Saha*

*-Vs-*

*North Bengal State Transport Corporation and  
others*

Mr. Sandip Ghose

Mr. Subrata Das

.. for the petitioner

Ms. Sipra Majumdar

Mr. Suprabhat Bhattacharjee

.. for N.B.S.T.C.

(power not supplied)

Mr. Jayak Kumar Gupta

.. for the State

The petitioner claims gratuity, leave salary, commuted value of pension and regular pension due to the petitioner upon the petitioner's superannuation on April 30, 2012.

It is submitted on behalf of the respondent corporation that since the corporation is in serious financial difficulties and depends completely on the State government to provide funds to it, an appropriate direction should be issued to the State government.

W.P. No. 5088 (W) of 2014 is disposed of by directing the Managing Director of the respondent

corporation to consider the propriety of the petitioner's claim and to make a recommendation to the State government on the basis thereof within a period of four weeks from date. If the recommendation is for any money to be paid to the petitioner, such recommendation should be forwarded to the Secretary, Department of Finance for the State to ensure that adequate funds are made available to the corporation to clear the dues of the petitioner within a period of three months from date. The petitioner will be entitled to interest at the rate of 7% per annum from the month following the petitioner's superannuation till the date of payment if the petitioner's payment is made within three months from date. If the payment is delayed, the petitioner will be entitled to interest at the rate of 10% per annum for the period beyond three months and interest at the rate of 7% per annum for the period before that.

There will be no order as to costs.

Certified website copies of this order, if applied for, be urgently made available to the parties, subject to compliance with all requisite formalities.

**(Sanjib Banerjee, J.)**

