

11.12.2014.
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W. P. 31154 (W) of 2014

Dipak Kumar Raichaudhuri
Vs.
The State of West Bengal & Ors.

Mr. Suibir Kumar Bhattacharyya
... For the petitioner.

Mr. Bipin Ghosh
... For the State.

Despite service there is no representation on behalf of the Calcutta State Transport Corporation.

The State is represented.

The petitioner was an employee of the Corporation and attained superannuation on and from 31st March, 2014. The petitioner alleges that in spite of having superannuated, the authorities have not released the retiral benefits. According to the petitioner, it is obligatory on the part of the authorities to release the gratuity on the date of retirement and having not paid the petitioner is entitled to compensation in the form of interest.

In absence of any representation on behalf of the Corporation, this Court is not in a position to arrive at the definite conclusion whether the petitioner is entitled to an incremental amount and the arrears in terms of ROPA 2009.

So far as the gratuity and the leave salary is concerned, this Court finds that the petitioner is entitled to the same and cannot be withheld without any justiciable cause.

The Corporation is directed to calculate the gratuity as well as the leave salary within three weeks from the date of communication of this order and shall forward the same to the State for release of the fund, so that the same may be paid to the petitioner. At the time of releasing the fund, the State shall also calculate interest at the rate of 6% from the date of superannuation till its actual disbursement to the Corporation.

The petitioner is at liberty to make a representation before the Corporation claiming incremental amount and arrears under ROPA 2009 within two weeks from date.

If such representation is made within the time indicated above, the Corporation shall consider and dispose of the same in accordance with law.

The writ petition is disposed of. No order as to costs.
Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Harish Tandon, J.)