

6th May, 2026
Item no.M/L 106
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 6912 of 2026**

In the matter of:

Abdul Rahim Fakir

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Manas Kumar Ghosh
Ms. Susmita Dey (Basu)
Mr. Koustov Ghosh
Mr. Antarik Dawn

....Advocates

For the C.S.T.C.:

Mr. N.C. Bihani, Sr. Adv.
Mr. Soumyajit Ghosh

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a retired employee of the Calcutta State Transport Corporation. The issue raised in the instant writ petition is whether dearness allowance will be application in the pensionable gratuity to be paid to the retired employees of the organization.
3. The petitioner submits that he is a general provident fund optee and he is supposed to receive his provident fund dues from the respondent no.6, Calcutta State Transport Corporation Employees' Provident Fund Trust.
4. Allegation is that after his retirement on 31st August, 2025 he did not receive his provident fund amount at all.
5. He further alleges that the pension that has been received does not include the dearness allowance component.

6. The issue regarding applicability of the dearness allowance in the pensionable gratuity paid to the retired employees of the organization has been decided by this Court on 31st March, 2026 in WPA 29126 of 2024 in the matter of Prosun Talukdar & Ors. Vs. State of West Bengal & Ors.
7. The petitioner relies upon the said order and prays for similar reliefs.
8. In Prosun Talukdar (supra) the Court held that, in terms of the several memoranda of the Transport Department, Government of West Bengal, the retired employees would be entitled to receive the gratuity and pension including the dearness allowance.
9. The Court directed the Managing Director of the Calcutta State Transport Corporation to take steps for disbursing the Dearness Allowance component to the retired employees in terms of the memoranda dated 4th September, 2025 and 14th January, 2026.
10. As the issue has already been decided in the matter of Prosun Talukder (supra), accordingly, the instant writ petition stands disposed of in the same lines directing the Managing Director of the Calcutta State Transport Corporation to take steps for disbursing the Dearness Allowance component of the petitioner in terms of the aforesaid memoranda at the earliest but positively within a period of twelve weeks from the date of communication of this order.
11. As the petitioner retired from service way back in August, 2023 he would be entitled to receive his provident fund dues which was deposited by him under the General Provident Fund Scheme.
12. The respondent no. 6 is directed to release the provident fund dues of the petitioner without any further delay but positively within a period of twelve weeks from the date of communication of this order.

13. As the petitioner would be receiving his provident fund dues after a considerable delay, the said dues shall be accompanied with simple interest calculated at the rate of six percent per annum which is to be paid on and from the next date of retirement till the date of actual payment.
14. In the event the provident fund dues along with the dearness component is not cleared within the time period stipulated hereinabove, then additional two percent, that is, 6+2=8 percent simple interest shall be paid to the petitioner on and from the next date of retirement till the date of actual payment.
15. There is no proof of service upon the respondent no.6. Let a copy of the writ petition along with a copy of this order be served upon the respondent no.6.
16. The writ petition stands disposed of.
17. Parties to act on the basis of the 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.

(Amrita Sinha, J.)