

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29126 of 2024
with
IA No. CAN 1 of 2025
(Application not in the file)

Prosun Talukdar & Ors.
-versus
State of West Bengal & Ors.

Mr. Manas Kumar Ghosh
Ms. Susmita Dey (Basu)
Mr. Kaustav Ghosh
Mr. Antarik Dawn
... For the petitioners

In re: CAN 1 of 2025

1. Learned advocate appearing on behalf of the petitioners submits that he does not intend to proceed with the instant application any further.

2. In view of such submission, the instant application stands dismissed as 'not pressed'.

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3. The petitioners are retired employees of the Calcutta State Transport Corporation. The issue raised in the instant writ petition is whether Dearness Allowance will be applicable in the pensionable gratuity to be paid to the retired employees of the organization.

4. It has been submitted that all the petitioners are receiving their regular pension. The Dearness Allowance component has, however, not been provided to them.

5. It has been brought to the notice of the Court that the Joint Secretary to the Government of West Bengal, Transport Department, has published a clarification vide memorandum No.4531-WT/19013/3/2022 dated 4th September, 2025 mentioning that while calculating the amount of Death/Retirement Gratuity, 'monthly emoluments' shall include Basis Pay and Dearness Allowance. The same has the concurrence of the Finance Department.

6. By a further memo dated 14th January, 2026 published by the same authority, the Finance Department's observation has been disclosed mentioning the date of giving effect to the revised definition of 'monthly emoluments' while calculating the amount of Death/Retirement Gratuity of CSTC employees.

7. It mentions that "the date of effect of the revised definition of 'monthly emoluments' while calculating Retirement/Death Gratuity may be considered from 01.01.2016 in the best interest of the employees of CSTC. If the employees of CSTC are covered under the Payment of Gratuity Act, 1972, the admissible gratuity may be settled following the relevant provisions of the Act."

8. It has been submitted that all the petitioners have retired long after the cut-off date from which the revised definition of 'monthly emoluments' have been given effect to.

9. It has been prayed that the respondent authorities ought to take steps in terms of the clarification dated 4th September, 2025 and the memorandum dated 14th January, 2026.

10. None represents the respondents.

11. As it appears that the issue which was raised by the petitioners has been accepted by the authority and clarificatory memorandum has also been published in the same lines, accordingly, the instant writ petition stands disposed of by directing the respondent no.5, the Managing Director, Calcutta State Transport Corporation, to take steps for disbursing the Dearness Allowance component of the petitioners in terms of the aforesaid two memoranda.

12. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

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

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)