

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.359 of 2023

For Petitioner(s) : Ms. R. Purkayastha, Advocate.
For Respondent(s) : Mr. K. C. Bhattacharjee, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

19/06/2023

Heard Ms. R. Purkayastha, learned counsel appearing for the petitioner and Mr. K. C. Bhattacharjee, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India for a direction to the respondents to transmit the record relevant to the subject matter of the writ petition and for providing the petitioner statutory interest @9% per annum on Rs.1,08,154/- i.e. the gratuity amount paid to the petitioner after a delay of 43 months for the period with effect from 28.02.2019 to 01.11.2022.

The petitioner has prayed for the following reliefs:

- i. Issue rule calling upon the respondents and each one of them, to show cause as to why writ of mandamus and/or in the nature, shall not be issued, for mandating/directing the respondents to provide the petitioner statutory interest @9% per annum on Rs.1,08,154/- for the delayed payment after 43 months from the date of his retirement i.e. 28.02.2019, for the period with effect from 28.02.2019 to 01.11.2022.
- ii. Call for the records appertaining tot his petition.
- iii. Costs of an incidental to this proceeding.
- iv. Any other relief(s) as to this Hon'ble Court may deem fit and proper."

The case of the petitioner is that the petitioner had retired from service on 28.02.2019. On his retirement the petitioner was entitled to a gratuity amount of Rs.7,56,442/- and the said amount was due to be paid to the petitioner within a period of thirty days from his date of retirement i.e. lastly by 30.03.2019. But, most unfortunately, an amount of Rs.6,48,288/- had been paid

to the petitioner within the statutory period and the rest amount of Rs.1,08,154/- had been credited to the petitioner on 01.11.2022 i.e. after expiry of 43 months from the date of his retirement and that too without the accrued statutory interest for the period with effect from 28.02.2019 to 01.11.2022 i.e. till the date of payment.

On 21.11.2022 the petitioner had approached before the respondents but, without any result and thereafter, a legal notice has been served on 26.12.2022 but, till date neither any response received nor payment of statutory interest paid. Hence, the present petition has been preferred by the petitioner before this Court for redress.

In view of above, without expressing any opinion on merits, the present petition stands disposed of directing the respondents to consider the case of the petitioner in the light of the legal notice served upon the respondents by the petitioner within a period of three months from the date of receipt of the copy of this order.

In the result, the present petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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