

GAHC010203902022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6605/2022

MRINAL CHANDRA DEB
S/O- LATE MANINDRA CHANDRA DEB,
R/O- QUARTER NO-AT-II, ZONE II,
ASSAM POLICE HOUSING COMPLEX, B.K KAKATI ROAD, ULUBARI,
P.O- ULUBARI, P.S- PALTAN BAZAR, GUWAHATI,
DIAT- KAMRUP (M),
ASSAM, PIN-781007

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY ,DEPARTMENT
OF URBAN DEVELOPMENT, DISPUR, GUWAHATI-06

2:THE ASSAM STATE HOUSING BOARD
REPRESENTED BY ITS COMMISSIONER
R.G. BARUAH ROAD
GUWAHATI-5

3:THE CHAIRMAN

ASSAM STATE HOUSING BOARD R.G. BARUAH ROAD
GUWAHATI-5

4:THE COMMISSIONER

ASSAM STATE HOUSING BOARD R.G. BARUAH ROAD
GUWAHATI-

Advocate for the Petitioner : MR. A J SARMA

Advocate for the Respondent : SC, HOUSING BOARD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 22.05.2023

Heard Mr. G. Alam, the learned counsel appearing on behalf of the petitioner and Mr. T. Gogoi, the learned counsel appearing on behalf of the respondent Nos. 1 to 4.

2. It is apparent from the records more so from the affidavit-in-opposition filed by the respondent Nos. 2, 3 and 4 that the petitioner is entitled to an amount of Rs.10,23,110/-. This aspect of the matter can be seen from paragraph No.6 of the affidavit-in-opposition.

3. It is however the case of the respondent Nos. 2, 3 and 4 that they are unable to make payment of the same immediately and as such have requested for payment of the same in installments. In terms with the paragraph No.7 of the affidavit-in-opposition, it transpires that the respondent Nos. 2, 3 and 4 have given an undertaking that they shall give an initial payment of Rs.1,00,000/- as the first installment within one week and the remaining amount of Rs.9,23,110/- shall be paid in equal monthly installments within 1 (one) year on or before 7th of each succeeding month.

4. The learned counsel appearing on behalf of the petitioner has submitted that the amount so payable to the petitioner is long due and the said amount of Rs.10,23,110/- is a part of the gratuity amount and in terms with the Payment of Gratuity Act, 1972, it is the mandate of Section 7 that there is a requirement for payment of interest from the date the amount becomes payable.

5. The learned counsel appearing on behalf of the respondents taking into account the claim so made by the petitioner has submitted upon instructions that the respondents are ready to pay the amount of Rs.10,23,110/- along with interest @7% on reducing balance from the date of the instant order in 12 equal installments starting from the month of June, 2023 and ending on 31.05.2024. The learned counsel for the petitioner submits on instructions that he has no objection.

6. Taking into account the said consensus, the instant petition therefore stands disposed of with a direction to the respondent Nos. 2, 3 and 4 to pay the amount of Rs.10,23,110/- along with interest @7% from the date of the instant order on reducing balance to the petitioner in 12 equal installments starting from the month of June, 2023. The entire amount has to be liquidated by the respondent Nos. 2, 3 and 4 by 31.05.2024.

7. The learned counsel appearing on behalf of the petitioner submits that the petitioner shall submit the details of his Bank Account to the respondent No.4 by 29.05.2023 and the said amount as above directed shall be paid to the account of the petitioner.

8. With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant