

Court No. 24

15.02.2021

(Item No. 24)

(AB)

W.P.A 101 of 2021

Purnima Pal

vs

The State of West Bengal & Ors.

Mr. Prasanta Kumar Pakrashi

Ms. Soumita Das

...for the Petitioner

Mr. Basudeb Gayan

..... For the Municipality

The husband of the petitioner was an employee of the Baidyabati Municipality who died-in-harness on 21.10.2006. As the death cum retirement benefits was not paid to the petitioner, she filed a writ petition being W.P. No. 3479 (W) of 2014 which was disposed of by this Court by an order dated 03.12.2015 whereby the Court directed the Municipality to pay interest @ 6% per annum upon a sum of Rs.1,29,697/- to the petitioner on account of the delayed payment of the retiral dues of the deceased employee.

The petitioner submits that a sum of Rs.1,23,500/- was paid by the Municipality on account of gratuity to the petitioner but interest on account of the delayed payment of the same has not been paid.

The learned advocate for the Municipality submits that the gratuity was paid long back and the

petitioner has approached this Court at a delayed date.

It is settled law that the retiral dues including gratuity are the valuable property of an employee and the same ought to have been paid at the right time. In the instant case the gratuity was paid in favour of the petitioner at a delayed date. Accordingly, the petitioner shall be entitled to receive the same along with interest.

In the earlier writ petition filed by the petitioner the Court directed interest to be paid @ 6% per annum on the retiral benefits of the deceased husband of the petitioner. The Municipality is accordingly directed to pay interest @ 6% per annum on the sum of Rs. 1,23,500/- on account of delayed payment of gratuity. The interest shall be calculated from the date of death of the husband of the petitioner till the date of actual payment and the aforesaid amount shall be released in favour of the petitioner within a period of four months from the date of communication of a copy of the order.

Accordingly, the writ petition disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)