

12.03.2021.
Item no. 24.
Court No.13
pk

**W.P.A. No. 3937 of 2020
(Through Video Conference)**

**Sri Maloy Biswas
Versus
The State of West Bengal & Ors.**

Ms. Susmita Dey (Basu),
Mr. Arabinda Maji.

...For the petitioner.

Mrs. Sonal Sinha,

...For the WBMICL.

Mrs. Rupsha Chakraborty

... for the State

The writ petitioner entertained notwithstanding availability of alternative remedy under the Payment of Gratuity Act, 1972 in view of the fact that the petitioner is a retired employee and is only seeking interest for nine months delay in payment of gratuity.

The petitioner superannuated from service on 30th June, 2015 as Office Superintendent under the West Bengal Minor Irrigation Corporation Limited. He was paid gratuity amount of Rs.14,59,390/- on 28th June, 2016.

Counsel for the petitioner submits that in terms of Section 7 of Payment of Gratuity Act, 1972, her client is entitled to claim interest.

In those circumstances, the West Bengal State Minor Irrigation Corporation shall pay interest at the rate of 6 per cent per annum on gratuity amount of

Rs.14,59,390/- within a period of three months from the date of communication of a copy of this order.

In default of making payment within the period stipulated herein above by the Corporation, the interest rate would stand increased to 8 per cent per annum.

The writ petition is disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)