

09.04.2021
Ct. No.13
Sl. No.53
akd

W.P.A. 10347 of 2020 [via video conference]

[Asit Kumar Mallik -Vs- The State of West Bengal & Ors.]

Mr. Manas Kumar Ghosh
Ms. Susmita Dey Basu
Mr. Arabinda Maji
... .. for the petitioner

Ms. Sonal Sinha
... for the West Bengal State
Minor Irrigation Corporation

The petitioner prays for interest on delayed payment of gratuity and leave encashment/salary.

The petitioner superannuated from service on 31.12.2016 as Operator with the West Bengal State Minor Irrigation Corporation Limited. His leave encashment and gratuity entitlement were paid on 11.07.2017.

Learned counsel for the petitioner submits that in terms of Section 7 of the Payment of Gratuity Act, 1972, her client is entitled to claim interest on delayed payment of gratuity. The petitioner is also entitled to interest on delayed payment of leave encashment by reason of dicta of the Hon'ble Supreme Court.

In these circumstances, the West Bengal State Minor Irrigation Corporation Limited shall pay interest at the rate of 6% per annum on both the delayed payment of gratuity and leave encashment from the date of super-annuation of the petitioner till the date of actual payment of the aforesaid amount by the Corporation to the petitioner. The said amount shall be paid to the petitioner within four months from the date of communication of a copy of this order.

In default of payment of interest, as directed hereinabove, the rate of interest would stand increased to 8% per annum.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)