

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 277 of 2022**

Sitaram Das  
Vs.  
The Durgapur Projects Limited & Ors.

Mr. Siddhartha Sarkar  
... For the petitioner.

Mr. Sujit Sankar Koley  
... For the respondents.

The petitioner retired from services of Durgapur Projects Limited (in short, DPL) on 30<sup>th</sup> November, 2019. The petitioner was paid gratuity amount of Rs.4,91,134/- on 11<sup>th</sup> December, 2020. The petitioner claims to be entitled to leave salary for 300 days. A document issued by the DPL dated 8<sup>th</sup> September, 2020, confirms about such 300 days earned leave. This document is not, however, part of the writ petition. The same is taken on record.

In the aforesaid circumstances, the petitioner is entitled to the leave salary for 300 days calculated on the basis of his last drawn salary. The petitioner says that the petitioner is entitled to interest on the gratuity amount of Rs.4,91,134/- on and from 1<sup>st</sup> December, 2019 till 11<sup>th</sup> December, 2020. The petitioner also claims interest for delayed payment of the principal sum on account of leave salary on and from 1<sup>st</sup> December, 2019

till its actual payment.

On behalf of DPL it is submitted that the delay in paying the leave salary occurred as the petitioner was occupying the quarter allotted to him even after his retirement. DPL therefor claims for recovery of the rent for overstaying of the petitioner after the date of retirement.

In the aforesaid facts and circumstances, DPL is directed to pay interest on Rs.4,91,134/- @ 6 per cent per annum instead of 10 per cent as provided under the Payment of Gratuity Act, 1972 on and from 1<sup>st</sup> December, 2019 till 10<sup>th</sup> December, 2020. DPL shall also pay the principal sum on account of leave salary calculated on the basis of last drawn salary along with interest @ 6 per cent per annum on and from 1<sup>st</sup> December, 2019 till the actual date of payment within a period of four (4) months from the date of submission of a certified copy of the instant order.

DPL shall be entitled to deduct from the amounts payable to the petitioner either on account of principal and/or on account of interest the rent as per prevailing rules of DPL from the petitioner for having overstayed at the quarter allotted to him.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without

any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted.

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

**(Arindam Mukherjee, J.)**