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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2655 of 2022

Biswamitra Mondal
Vs.
Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee,
Mr. Suman Banerjee
.... For the petitioner.

Mr. Sujit Sankar Koley
... For DPL

Affidavit of service filed in Court today is taken on record.

The petitioner is a retired employee of Durgapur Projects Limited (in short, DPL). The petitioner says that he had retired from services of DPL on 31st July, 2016, but has been paid gratuity and leave salary amount only on 8th December, 2017. The petitioner claims interest for the delay in making payment of the gratuity and leave salary. Although, the petitioner has approached the Court after about six years from his retirement but keeping in mind the two years period in the interregnum to be of uncertainty I find the delay is not fatal in claiming interest for delayed payment. No third party right has also been created due to the delay.

The writ petition has been affirmed by a constituted attorney but the petitioner is personally

present and as such the writ petition is allowed, directing DPL to pay interest on Rs.15,40,700/- for the period between 1st August, 2016 and 7th December, 2017 at the rate of 6 per cent per annum within a period of six months from the date of communication of a certified copy of the instant order upon DPL.

The issue of payment of interest of delayed payment of gratuity and leave salary needs no further deliberation as it has been settled by a recent judgment of this Court dated 9th August, 2021 passed in WPA 11485 of 2021 (Kajal Pal vs. The Durgapur Projects Limited & Ors.) and as such the direction for payment of interest as indicated hereinabove is given.

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 affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)