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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2671 of 2022

Sekhar Chattopadhyay
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 former employee of Durgapur Projects Limited (in short, DPL), who retired from services on 31st January, 2020. The petitioner has been paid Rs.20,00,000/- on account of gratuity on 22nd April, 2021 after a period of almost fifteen months from the date of superannuation. The petitioner is claiming interest on delayed payment of gratuity as also the principal sum along with accrued interest on leave salary. The petitioner further says that DPL by a memo dated 4th December, 2020 had admitted that the petitioner is entitled to payment of salary equivalent to 290.5 days as earned leave but nothing has been paid on such account. The petitioner therefor claims the principal sum on account of leave salary with accrued

interest from 1st February, 2020 till the same is actually paid.

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 on gratuity and for payment of the principal sum on account of leave salary with accrued interest is given.

In the aforesaid facts and circumstances, DPL is directed to pay interest on the gratuity sum of Rs.20,00,000/- from 1st February, 2020 till 21st April, 2021 at the rate of 6 per cent per annum. The DPL is also directed to pay the petitioner the principal sum on account of leave salary calculated on the basis of the last drawn salary for 290.5 days with accrued interest thereon at the rate of 6 per cent per annum from 1st February, 2020 till the actual payment of such sum. The interest on delayed payment of gratuity, the principal sum on account of leave salary along with accrued interest thereon shall have to be paid within a period of six months from the date of communication of a certified copy of the instant order.

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.)