

31.03.2022
Sl. No.116
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8016 of 2017

Sandhya Biswakarma
Vs.
The State of West Bengal & Ors.

Mr. Manas Kumar Ghosh,
Ms. Susmita Dey (Basu)
....for the petitioner.

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
...for NBSTC.

In terms of the order dated 6th January, 2022, the respondent, North Bengal State Transport Corporation (in short NBSTC) has produced a computation dated 13th January, 2022 signed by the Deputy Managing Director, NBSTC, Cooch Behar. The same is taken on record.

It appears from the said computation that the difference of gratuity amounting to Rs.89,258/- was paid on 6th May, 2021 pursuant to orders of Court. The husband of the petitioner died on 25th November, 1998. The gratuity amount, therefor, fell due immediately upon his death.

There has been an admitted delay in releasing the balance amount of Rs.89,258/-.

Without going into the reasons of delay and keeping in mind that the money remained with NBSTC during this period which earned interest, I

direct NBSTC to pay the petitioner interest on the said sum of Rs.89,258/- @ 6% from 26th November, 1998 till 6th May, 2021. The interest shall be paid within a period of three months from date.

Considering that the petitioner approached the Court only in the year 2017 in respect of claim which arose in 1998 and that the balance principal sum was paid pursuant to directions of Court, the rate of interest allowed is 6% and not at the statutory rate, as prescribed under the Payment of Gratuity Act, 1972.

Parties are directed to act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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 save those admitted in the reports 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.)