

14.09.2022.
Item No.4
Court No.550
Saswata

W.P.A. 14576 of 2022

**Haru Sardar
Versus
State of West Bengal & Ors.**

Ms. Senjuti Sengupta
Mr. R. Guha Thakurta
Ms. Dipa Roy

... For the petitioner

Mr. Bipin Ghosh

...For the respondent nos. 3 and 4

Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Sneha Singh
Ms. Shikha Kumar Kashyap

...For the respondent no.5

Pursuant to the order dated 7th September, 2022, a cheque bearing no. **067456** amounting to Rs.74,559/- (Rupees Seventy Four Thousand Five Hundred and Fifty Nine only) drawn in favour of the petitioner is made over to the petitioner, who is personally present in Court today. The same is accepted by the petitioner.

In the writ application the petitioner has in effect sought for a direction on the respondent nos. 3 and 4 to execute the certificate dated 17th December, 2021 issued under Section 8 of the Payment of Gratuity Act 1972 for a sum of Rs.374559/- only. Out of the aforesaid, cheque for a sum of Rs. 74559/- has already been made over to the petitioner.

As prayed for by the respondent no.5, let the balance amount of Rs.3,00,000/- (Rupees Three Lakhs only) be paid by respondent no.5 to the petitioner by way of demand draft in four monthly equal installments. Such payment must be made on or before the 15th of every month until the aforesaid four installments are cleared. Mr. Guha Thakurta, learned advocate appearing for the petitioner has indicated that the total claim on account of compound interest is approximately Rs.43,000/- (Rupees Forty Three Thousand only). Ms. Pandey, learned advocate appearing for the respondent no.5 does not dispute the aforesaid computation. In so far as the claim on account of the interest is concerned, the petitioner is present in Court and agrees to accept Rs.30,000/- (Rupees Thirty Thousand only) as full and final settlement towards his claim on account compound interest.

Considering the submission made by the learned advocate for the petitioner and in the peculiar facts of the case, I direct the respondent no. 5 to make payment of Rs. 30,000/- (Rupees Thirty Thousand only) on account of compound interest towards full and final settlement of the claim of the petitioner. Such payment must be made within March 31st, 2023.

Upon payment of all sums as directed above the certificate dated 17th December, 2021 will be treated to

have been fully executed. In default the petitioner shall be at liberty to execute the aforesaid certificate.

With the aforesaid observations, the instant writ application being WPA 14576 of 2022 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(*Raja Basu Chowdhury, J.*)