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12.05.2022

WPA 13681 of 2013

Ct
.25.

Balai Chandra Ghosh vs. State of West Bengal & Ors.

Mr. Tapas Kumar Dey
..For the petitioner.
Mr. Rama Prosad Sarkar
Ms. A. Deb Jana
..For the State.

Supplementary affidavit filed in Court is taken on record.

The petitioner served as a primary teacher and ultimately retired from service on July 31, 2008. The petitioner is claiming interest on delayed payment of gratuity by filing the instant writ petition.

The petitioner says that the petitioner received a sum of Rs. 2,15, 507/- on account of gratuity on October 29, 2008 and received further sum of Rs. 2, 72,663/- under ROPA 2009 on October 26, 2022 on account of gratuity. Thus the petitioner claims interest on delayed payment of gratuity amount of Rs. 2,72663 for the period from 1st August 2008 till 26.10.2012.

The petitioner relied on an unreported judgment of a Division Bench of this Court dated 27.02.2012 passed in MAT 72 of 2014 (Banku Behari Sil vs. State of West Bengal & Ors), wherein the Hon'ble Division Bench directed the State respondents to pay interest @ 10% per annum on delayed payment of gratuity.

Thus applying the rate fixed by the Hon'ble Division Bench in the said decision, this Court directs the State

respondents to pay interest @ 10 per annum on the amount of Rs. 2, 72, 663/- for the period from August 1, 2008 to October 26, 2012 within a period of six weeks from the date of communication of this Order.

WPA 13681 of 2013 is thus disposed of with the above direction.

(Hiranmay Bhattacharyya, J.)