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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16155 of 2022

Bimal Kumar Dey
Vs.
The State of West Bengal & Ors.

Ms. Senjuti Sengupta,
Mr. Rananeesh Guha Thakurta
.... For the petitioner.

Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh
... For the State.

Mr. Bipin Ghosh
... For the respondent nos. 3 and 4.

Ms. Amrita Pandey,
Ms. Shikha Kashyap
... For the respondent no.5.

On 21st September, 2022 this matter was adjourned on the understanding that the parties shall come up with an agreed statement insofar as payment compound interest with regard to the outstanding gratuity amount.

Today, it is submitted on behalf of the parties that the parties could not agree or decide upon the quantum of compound interest.

Ms. Sengupta, learned advocate, representing the petitioner submits that a certificate proceedings is pending for recovery of outstanding gratuity amount and as such petitioner should be granted liberty to enforce his claim before the Certificate Officer.

Ms. Pandey, learned advocate representing the respondent no.5 submits that in terms of the provisions of Section 8 of the Payment of Gratuity Act, 1972, interest cannot be more than the principal amount and as such she insists that this Hon'ble Court may determine the interest in terms of the aforesaid provision.

I have considered the submissions made by the parties and the materials on record. I find that a direction has already been passed for liquidating the arrear of gratuity amount by way of installments. This matter was made returnable only to ascertaining whether the parties are in a position to agree on the quantum of compound interest. From the submissions made by the parties it is apparent that the parties could not agree upon the quantum of compound interest and as such no fruitful purpose will be served in keeping the present application pending.

The present writ application is disposed of by permitting the petitioner to proceed before the Certificate Officer for enforcement of his claim only with regard to the determination and realisation of compound interest. It is expected that the Certificate Officer shall dispose of the pending proceedings as expeditiously as possible upon giving an opportunity of hearing to the parties.

Urgent photostat certified copy of this order, if

applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)