

13.
21.09.2022.
Ct. No. 21.
F.B.

WPA 20327 of 2022

Ashim Kumar Ghosh
-Vs.-
The Durgapur Projects Limited & Ors.

Mr. Tathagata Deb,
Mr. Siddhartha Sarkar
..... For the Petitioner.

Mr. Sujit Sankar Koley
..... For the DPL.

The writ petitioner was a permanent employee of the Durgapur Projects Limited (in short, DPL) which is a Government of West Bengal enterprise.

He was superannuated from March 31, 2020. The gratuity dues of the writ petitioner aggregating Rs/- 4,79,644/- was paid on April 16, 2021. Neither quantum of gratuity nor the date of payment is in dispute.

Mr. Deb, Learned Counsel appearing on behalf of the writ petitioner, prays for interest on gratuity payable to the writ petitioner from April 1, 2020 (the date of succeeding date of retirement) till April 16, 2021 (the date of which the gratuity dues were actually paid).

The Learned Counsel appearing on behalf of the writ petitioner also, prays for earned leave of 287.5 days which has not been paid till date. He further prays for interest on the earned leave, i.e due and payable to the writ petitioner.

The number of days of earned leave, i.e due and payable to the petitioner is not in dispute.

The issue has been squarely settled by various Judgements passed by Co-ordinate Bench of this Hon'ble Court.

Relying on the judgements on the same issue and considering the facts of the case it is directed that the writ petitioner is entitled to get interest on the delayed payment of his gratuity dues from April 1, 2020 till April 16, 2021 at the rate of 6% per annum.

The writ petitioner is also entitled to earned leave of 287.5 days and interest thereon from April 1, 2020 till the date of which the actual payment is made.

The respondent authority/DPL is directed to pay the aforesaid payment within three months from date. In the event, the said amount is not disbursed within the stipulated period, the rate of interest will be enhanced to 10% per annum being the statutory rate under the payment of Gratuity Act, 1972.

Since no affidavits have been called for in this writ petition, all allegations contained therein are deemed not to have admitted by the parties.

With the aforesaid, the writ petition being **WPA 20327 of 2022** is **disposed of**.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)