

36.  
22.09.2022.  
Ct. No. 21.  
F.B.

**WPA 21193 of 2022**

**Santimoy Das**  
**-Vs.-**  
**The Durgapur Projects Limited & Ors.**

**Mr. Siddhartha Sarkar**  
**..... For the Petitioner.**

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

Affidavit-of-service filed in Court today be retained with the record.

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 January 31, 2021. The gratuity dues of the writ petitioner aggregating Rs/- 6,57,138/- was paid on September 01, 2021. Neither quantum of gratuity nor the date of payment is in dispute.

Mr. Sarkar, Learned Counsel appearing on behalf of the writ petitioner, prays for interest on gratuity payable to the writ petitioner from February 01, 2021 (the date of succeeding date of retirement) till

September 01, 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 282.5 days which has not been paid till date. He further prays for interest on the earned leave, due and payable to the writ petitioner.

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

The issue has been squarely settled by various Judgements passed by a 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 February 01, 2021 till September 01, 2021 at the rate of 6% per annum.

The writ petitioner is also entitled to earned leave of 282.5 days and interest thereon @ 6% per annum from February 01, 2021 till the date on 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 stand 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 21193 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.)**