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30.09.2022
(PP)
Ct 21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22562 of 2022

Amitabha Mallick

Vs.

North Bengal State Transport Corporation & Ors.

Mr. Sandip Ghosh,
Mr. Subrata Das

.... For the petitioner.

Mr. Rajat Dutta

... For the State.

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

The writ petitioner was an employee of North Bengal State Transport Corporation (in short 'NBSTC'). The petitioner joined his services in September, 1989 and retired on March 31, 2014 and thereafter availed the benefit of Voluntary Retirement Scheme (VRS) from March 31, 2014. The petitioner prays for payment of differential amount of gratuity under the Payment of Gratuity Act, 1972. Initially gratuity amount of Rs.3,50,000/- released to the petitioner by an order dated May 14, 2014. Thereafter, the Payment of Gratuity Act, 1972 was amended vide amendment dated May 24, 2010 whereby the ceiling of gratuity was revised and fixed at Rs.10,00,000/- instead of Rs.3,50,000/-. Revision of Pay and Allowances Rules, 2009 (ROPA, 2009) was introduced by the State Government under Transport Department Memo No. September 17, 2009 by which the ceiling of gratuity amount was enhanced. The petitioner claims for Rs.6,50,000/- as the differential amount of

gratuity from April 1, 2014 (being the date succeeding the date of retirement). The petitioner prays for disbursement of such arrears along with interest as payable under Section 7 (3A) of the Payment of Gratuity Act, 1972.

This Court grants arrears on account of differential payment of gratuity to the petitioner as promulgated by ROPA 2009. The arrears on account of differential payment of gratuity should be disbursed within 3 months from date. Interest @ 6% p.a. is directed to be paid to the petitioner from April 1, 2014 till such the entire payment is disbursed to him.

With the directions aforesaid, the writ petition, being **WPA 22562 of 2022**, is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

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

(Lapita Banerji, J.)