

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23681 of 2022

Pratima Das

Vs.

The Durgapur Projects Limited & Ors.

Mr. Siddhartha Sarkar

.... For the petitioner.

Mr. S. S. Koley

... For DPL.

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

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

The petitioner's husband died on July 01, 2017 before his superannuation. The total amount dues to the writ petitioner aggregating Rs/- 6,51,353/- (for Gratuity Rs. 3,67,362/-, for leave salary Rs. 2,76,991 and for ex-gratia Rs.7,000/-) is not paid till date. The quantum of the total amount is not in dispute.

Mr. Sarkar, Learned Counsel appearing on behalf of the writ petitioner, prays for principal amount of Gratuity, leave salary as also ex-gratia aggregating to Rs.6,51,353/- together with interest thereof, of her husband payable to the writ petitioner from July 02, 2017 (the date succeeding the date of death) till the date of actual payment.

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 principal amount of Gratuity, leave salary as also ex-gratia aggregating to Rs.6,51,353/- together with interest on the delayed payment of her husband's aforesaid dues from July 02, 2017 till the date of actual payment at the rate of 6% per annum.

The respondent authority/DPL is directed to pay the aforesaid payment within six 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.

With the directions aforesaid, the writ petition, being **WPA 23681 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.

Needless to mention, in case the petitioner has occupied the quarter granted by the employer after her

husband's retirement the occupation charges for the said quarter will be deducted from the retiral benefits that the petitioner is entitled to as per the extant rules and policies of the employer/DPL.

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.)