

17.01.2023
DL-47
S.D.
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 599 of 2023

Keshab Nath Kundu
Vs.
The Durgapur Projects Limited & Ors.

Mr. Siddhartha Sarkar
Mr. Prasad Bhattacharyya
....for the petitioner.

Mr. S. S. Koley
....for DPL.

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

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 December 31, 2018.
The gratuity and leave salary dues of the writ petitioner
aggregating Rs.31,48,182/- was paid on February 11,
2020 and July 2, 2020 respectively. Neither quantum of
gratuity nor the quantum of leave salary 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 January 01, 2019
(the date succeeding the date of retirement) till February

11, 2020 (the date on which the gratuity amounts were actually paid) and the interest on leave salary from January 01, 2019 (the date succeeding the date of retirement) till July 7, 2020 (the date on which the earned leave amounts were actually paid) .

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 gratuity payable to the writ petitioner from January 01, 2019 (the date succeeding the date of retirement) till February 11, 2020 (the date on which the gratuity amounts were actually paid) and the interest on leave salary from January 01, 2019 (the date succeeding the date of retirement) till July 7, 2020 (the date on which the earned leave amounts were actually paid) 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 be 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 599 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 his 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.)