

WPA 1567 of 2023

Subhas Chandra Mukherjee

-VS-

The Durgapur Projects Limited & ors.

Mr. Ayan Banerjee

Mr. Suman Banerjee

...for the petitioner

Mr. S. S. Koley

...for the 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 January 31, 2020. The gratuity dues of the writ petitioner aggregating Rs. 4,63,693/- was paid on June 29, 2021. Neither quantum of gratuity nor the quantum of leave salary nor the date of payment is in dispute.

Mr. Banerjee, Learned Counsel appearing on behalf of the writ petitioner, prays for interest on gratuity and leave salary payable to the writ petitioner from February 1, 2020 (the date succeeding the date of retirement) till June 29, 2021 (the date on which the dues were actually paid).

The Learned Counsel appearing on behalf of the writ petitioner, also prays for earned leave of 255.5 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 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 1, 2020 till June 29, 2021 at the rate of 6 % per annum.

The writ petitioner is also entitled to earned leave of 255.5 days and interest thereon @ 6% per annum from February 1, 2020 till the date on which the actual payment is made.

The respondent authority/DPL is directed to make the aforesaid payment within six months from date. In the event, the said amount on account of interest 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 **W.P.A. 1567 of 2023** 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 copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Lapita Banerji, J.)