

WPA 11115 of 2023

Anima Barui
Vs.
The Durgapur Projects Ltd. & 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 mother 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 mother of the petitioner retired from his service on October 31, 2020. The gratuity dues of the writ petitioner's mother aggregating Rs.5,52,876/- is not paid till date. The quantum of gratuity amount is not in dispute.

Mr. Sarkar, learned Counsel, appearing on behalf of the writ petitioner prays for gratuity amount and interest on gratuity amount payable to the mother of the writ petitioner from November 1, 2020 (the date succeeding the date of retirement of the mother of the petitioner) till the date of actual payment.

The learned counsel appearing on behalf of the writ petitioner also prays for earned leave of 278 days, which has not been paid till date. He further prays for interest on the earned leave, due and payable to the mother of the writ petitioner.

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

The issue has been squarely settled by various Judgments passed by a Coordinate 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's mother is entitled to get gratuity amount and interest on the delayed payment of her gratuity dues from November 1, 2020 till the date of actual payment at the rate of 6% per annum.

The writ petitioner's mother is also entitled to earned leave of 278 days and interest thereon @6% per annum from November 1, 2020 till the date on which the actual payment is made.

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 11115 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.

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)