

ML-28

05.09.2023
Court No.5
(AD)

WP.ST 88 of 2023

Sabita Gupta
Vs.
The State of West Bengal & Ors.

Mr. Chitta Ranjan Chakraborty
Mr. Sumit Banerjee
... for the petitioner.

Mr. Tapan Kumar Mukherjee
Ld. Sr. Advocate & Ld. AGP
Ms. Tuli Sinha
... for the State.

The writ petition is directed against an order dated April 6, 2023 passed in OA-482 of 2022 by the West Bengal Administrative Tribunal.

The impugned order directed the Assistant Director of Sericulture, Belguma, Purulia to consider the prayer of the writ petitioner for interest on delayed payment of gratuity of the late employee.

It is the contention of the State that, delay in payment of gratuity was occasioned due to the non-furnishing of the documents by the employee.

Such contention is disputed on behalf of the employee.

Be that as it may, gratuity is the entitlement of an employee which was lying with the State.

As a prudent person, that money was required to be kept in an interest bearing account.

In such circumstances, in order to balance the equities between the parties and in the interest of justice, it would be appropriate to direct the State to pay interest at the rate of 6 per cent from the date of superannuation of the employee till the date of disbursement of the gratuity on the gratuity amount within six weeks from the date of communication of the order.

Parties raise other issues with regard to the delay in payment of family pension and the quantity of the family pension. We are not minded to enter into such arena given the facts and circumstances of the present case.

Such issues are kept open.

WP.ST 88 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

