

21.06.2023
DL-70
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14079 of 2023

Smt. Srabani Pal & Ors.
Vs.
The Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee,
Mr. Suman Banerjee

....for the petitioners.

Mr. S. S. Koley

....for DPL.

The husband of the petitioner no.1 was a permanent employee of the Durgapur Projects Limited (in short 'DPL'), which is a Government of West Bengal enterprise.

The husband of the petitioner no.1 retired from service on May 31, 2020 and subsequently died on October 14, 2020. The gratuity dues of the petitioner no.1's deceased husband aggregating Rs.20,00,000/- was paid on July 25, 2022. The quantum of gratuity amount is not in dispute.

Mr. Banerjee, learned Counsel, appearing on behalf of the writ petitioners prays for interest on gratuity amount payable to the writ petitioners from June 1, 2020 (the date succeeding the date of retirement of the husband of the petitioner no.1) till

July 25, 2022 (the date on which the gratuity dues were actually paid).

The learned counsel appearing on behalf of the writ petitioners also prays for earned leave of 292.5 days, which has not been paid till date. He further prays for interest on the earned leave, due and payable to the writ petitioners.

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

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 petitioners are entitled to get interest on the delayed payment of gratuity dues from June 1, 2020 till July 25, 2022 at the rate of 6% per annum.

The writ petitioners are also entitled to earned leave of 292.5 days and interest thereon @ 6% per annum from June 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 14079 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 petitioners have occupied the quarter granted by the employer after the death of the deceased employee the occupation charges for the said quarter will be deducted from the retiral benefits of the deceased employee that the petitioners are 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.)