

21.06.2023
DL-79
S.D.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14121 of 2023

Smt. Jyotsna Bagdi & Ors.
Vs.
The Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee
Mr. Suman Banerjee

....for the petitioner.

Mr. S. S. Koley

.....for the DPL.

The husband of the writ 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 writ petitioner no. 1 was superannuated from his service on January 31, 2020 and died on May 18, 2021. The gratuity dues of the husband of the writ petitioner no. 1 aggregating Rs.11,15,402/- was paid on April 23, 2021. Neither quantum of gratuity nor the date of payment is in dispute.

Mr. Banerjee, learned Counsel, appearing on behalf of the writ petitioners prays for interest on gratuity amount payable to the writ petitioner no. 1 from February 1, 2020 (the date succeeding the date of superannuation of the petitioner) till April 23, 2021

(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, 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 admissible earned leave, due and payable to the petitioner is to be calculated.

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 is entitled to get interest on the delayed payment of gratuity dues from February 1, 2020 till April 23, 2021 at the rate of 6% per annum.

The writ petitioner no. 1 is also entitled to admissible leave salary 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 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 14121 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 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 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.)