

WPA 17935 of 2023

Amar Hari & Ors
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 writ petitioners' father was a permanent employee of the Durgapur Projects Limited (in short 'DPL'), which is a Government of West Bengal enterprise.

The father of the petitioners died on June 7, 2021. The petitioners' father retired from his service on August 31, 2020. The gratuity dues of the writ petitioners' deceased father aggregating Rs. 5,88,923/- are not paid till date. The quantum of gratuity amount is not in dispute.

Mr. Sarkar, learned Counsel, appearing on behalf of the writ petitioners prays for gratuity amount and interest on gratuity amount payable to the writ petitioners from September 1, 2020 (the date

succeeding the date of retirement of the petitioners' father) till the date of actual payment.

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 gratuity amount and interest on the delayed payment of their father's gratuity dues from September 1, 2020 till the date of actual payment at the rate of 6% per annum.

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 17935 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)