

WPA 17937 of 2023

Shiv Kumari Sukul
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 petitioner's husband 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 died-in-harness on May 20, 2022. The gratuity dues of the writ petitioner's deceased husband aggregating Rs. 6,39,666/- are 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 writ petitioner from May 21, 2022 (the date succeeding the date of death of the petitioner's husband) 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 petitioner is entitled to get gratuity amount and interest on the delayed payment of her husband's gratuity dues from May 21, 2022 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 17937 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)