

18.08.2023
DL-85
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19320 of 2023

Smt. Anita Ghosh & Ors.
Vs.
The Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee
Mr. Saumo 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 died on December 29, 2018. The gratuity dues of the petitioner no.1's deceased husband aggregating Rs.4,25,230/- was paid on July 14, 2021.

Mr. Banerjee, learned Counsel, appearing on behalf of the writ petitioners prays for interest on gratuity amount payable to the writ petitioners from December 30, 2018 (the date succeeding the date of death of the husband of the petitioner no.1) till July 14, 2021 (the date on which the gratuity dues were actually paid).

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 December 30, 2018 till July 14, 2021 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 19320 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.)