

18.08.2023
DL-86
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19325 of 2023

Smt. Bapi Ruidas & 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 retired from service on May 31, 2021 and subsequently died on January 10, 2022. The gratuity dues of the petitioner no.1's deceased husband aggregating Rs.14,38,012/- was paid on December 14, 2021. The quantum of gratuity amount was not in dispute.

Mr. Banerjee, learned Counsel, appearing on behalf of the writ petitioners prays for interest on gratuity amount paid to the writ petitioners from June 1, 2021 (the date succeeding the date of retirement of the husband of the petitioner no.1) till

December 14, 2021 (the date on which the gratuity dues were actually paid).

The petitioners pray for leave salary of 292.5 days along with interest thereon. The petitioners will be entitled to leave salary along with interest @ 6% per annum from June 1, 2021 till the date on which the leave salary is actually disbursed to the petitioners.

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, 2021 till December 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 19325 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.)