

27.09.2023
Item No.81
gd

WPA/19382/2023
ULLASH GHOSH
VS
THE DURGAPUR PROJECTS LIMITED AND ORS.

Mr. Ayan Banerjee,
Mr. Suman Banerjee
..for the Petitioner.

Mr. Sujit Sankar Koley
..for DPL.

Written instructions filed in Court today be retained with the records.

Mr. Koley, learned counsel appearing on behalf of Durgapur Projects Limited (in short, "DPL") submits that a sum of Rs.20,00,000/- is payable to the petitioner on account of gratuity as per the office order dated May 31, 2022. The petitioner is also entitled to earned leave of 300 days.

The petitioner retired from service with effect from December 31, 2019. The petitioner's retiral dues were neither quantified after his retirement nor was there any communication on the part of the DPL why such quantification was not made till the filing of the writ petition.

Mr. Banerjee, learned counsel appearing on behalf of the writ petitioner submits that the petitioner is entitled to get interest from January 1, 2020 (the date subsequent to the date of retirement)

till the date of actual disbursal of the retiral dues of the petitioner.

The amount of gratuity and the number of days of earned leave due and payable to the petitioner is not in dispute.

The issue of payment of interest on the retial dues of an employee has been squarely settled by various Judgments passed by Co-ordinate Benches of this Hon'ble Court.

Relying on the judgments on the same issue and considering the facts of the case it is directed that the writ petitioner is entitled to get interest on the delayed payment of gratuity dues from January 1, 2020 till the date of actual disbursal.

The writ petitioner is also entitled to earned leave of 300 days and interest thereon @ 6% per annum from January 1, 2020 till the day 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, **WPA 19382 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 the occupation charges for the said quarter will be deducted from the retiral benefits that the retired employee/the petitioner is entitled to as per the extant rules and policies of the employer/DPL.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent Photostat certified copies of the order, if applied for, be applied to the parties upon compliance of all necessary formalities.

(LAPITA BANERJI, J.)