

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19720 of 2023

Mercy Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
Ms. Dipa Roy
... For the petitioner.

Mr. Rajarshi Basu
Mr. Shehnaz Tariq Mina
... For the State.

Ms. Amrita Pandey
Ms. Sneha Singh
... For the respondent no.4.

1. Pursuant to the order dated 20th September, 2023, Ms. Pandey, learned advocate representing the respondent no.4, has placed before this Court a Demand Draft, drawn in the name of the petitioner, for a sum of Rs.1,00,000/- .

2. Let the same be made over to the learned advocate representing the petitioner, who shall accept the same on behalf of the petitioner, without prejudice to his rights and contentions.

3. The petitioner's advocate-on-record is directed to issue receipt acknowledging receipt of the aforesaid demand draft for Rs.1,00,000/-.

4. From the certificate issued under Section 8 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the "said Act") by the Controlling Authority in Gratuity

Case no. G-117 of 2015, it appears that a sum of Rs.4,70,431/- has been determined which includes simple interest.

5. In terms of the aforesaid certificate, the Certificate Officer is obliged to recover the said sum along with compound interest @ 15 % per annum from the date of expiry of the time mentioned in the directions till date of recovery in terms of Section 8 of the said Act.

6. Since, the learned advocate representing the respondent no.4, on instruction, submits that the respondent no.4 is ready and willing to make payment of the balance amount of Rs.3,70,431/-, let the same be paid to the petitioner on or before 31st December, 2023.

7. Insofar as the payment of compound interest is concerned, the Certificate Officer shall be at liberty to determine the actual compound interest payable to the petitioner on the date when the matter is returnable before him.

8. In view thereof, Nothing further remains to be adjudicated in this writ application. The same is disposed of without any order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)

