

WPA 20177 of 2022

Nirmal Sarkar
Vs.
The Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee
Mr. Suman Banerjee

....for the petitioner

Mr. S.S. Koley

....for the DPL

The writ petitioner was a permanent employee of the Durgapur Projects Limited (in short, DPL) which is a Government of West Bengal enterprise.

He was superannuated from August 31, 2019. The gratuity dues and leave salary of the writ petitioner aggregating Rs.14,86,862/- was paid on August 13, 2020. Neither quantum of gratuity nor the quantum of leave salary nor the date of payment is in dispute.

Mr. Banerjee, learned counsel appearing on behalf of the writ petitioner, prays for interest on gratuity and leave salary payable to the writ petitioner from September 1, 2019 (the date succeeding the date of retirement) till August 10, 2020 (the date on which the dues were actually paid).

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 his gratuity and leave salary dues from

September 1, 2019 till August 10, 2020 (till the date when the actual payment was made).

The respondent authority/DPL is directed to make 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 be 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 20177 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 his retirement the occupation charges for the said quarter will be deducted from the retiral benefits 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 copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Lapita Banerji, J)