

20. 12. 2023

BP
Sl. 11
Court No. 550

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23829 of 2015

Aditya Birla Vani Bharati & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arnab Dutt
Ms. Labani Dey
..for the petitioners

Mr. Arka Nandi
Mr. Sagar Dey
Mr. Sondwip Sutradhar
Mr. Sutirtha Nayek
Ms. Shalini Ghosh
..for the respondent no.4

1. Mr. Dutt, learned advocate representing the petitioners has placed before this court a cheque for a sum of Rs. 1,76,700/- dated 18th December, 2023 drawn in favour of the respondent no.4 along with a computation sheet.
2. Let the copy of the computation sheet and the copy of the cheque as made over in court be retained with the record.
3. Let the aforesaid cheque be made over to the learned advocate representing the respondent no.4 who shall accept the same on behalf of the said respondent

without prejudice to his client's rights and contentions as regards short payment of Rs. 129/-. He submits that the respondent no.4 is entitled to grant of interest on delayed payment.

4. Mr. Dutt on the question of interest submits that the petitioners had never intended to hold on to the legitimate dues of the respondent no.4 but for the judgement delivered in the case of Birla Institute of Technology Vs. The State of Jharkhand & Ors. reported in (2019) 4 SCC 513. It is submitted that the issue on the subject was finally clarified by the Hon'ble Supreme Court in the year 2022 when the judgement in the case of ***Independent Schools' Federation of India (Regd.) v. Union of India and another***, reported in **2022 SCC OnLine SC 1113** was delivered. He submits that the petitioners should not be made liable for payment of interest.
5. Heard learned advocates appearing for the respective parties and considered the materials on record. I find that the statute requires payment of gratuity be made within thirty days from the date of retirement. It is well settled that if the retiral benefits are not disbursed in time, liability on account of interest, cannot be avoided.
6. Having regard to the aforesaid and taking note of the

statutory provision regarding grant of interest on delayed payment of gratuity, I am of the view that the petitioners should be directed to make payment of simple interest @ 10% per annum on the total amount of gratuity from the date when the respondent no.4 had retired till the aforesaid amount had been actually paid. Let such payment on account of interest along with a copy of the computation be made over to the respondent no.4 within a period of six weeks from the date of communication of this order.

7. The writ petition is, thus, disposed of without any order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties on compliance of usual formalities.

(Raja Basu Chowdhury, J.)