

16-10-2023
Court No.3
Sh/11.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 2047 of 2023

Santosh Kumar Bhowmik.

-Vs-

The State of West Bengal & Ors.

Mr. Saumyajyoti Dutta,
Mr. Gopal Saha

For the petitioner.

Mr. Momenur Rahaman.

For the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner has filed this writ petition with a prayer to direct the respondent nos.2 and 3 to pay interest to the petitioner on revised gratuity as per revised PPO dated 01-01-2020 till 23th December, 2020, that is the actual date of disbursement of revised gratuity and to pay interest on delayed payment of gratuity from 01-04-2016 till 30-06-2016, that is the actual date of payment of gratuity in favour of the petitioner.

It is the contention of the petitioner that he was working as a Head Teacher in Singimari BFP School and was retired from service on 31-03-2016. After his retirement PPO being No. PRI/S/JPG/U/00078 /2016 was issued to him vide Memo No. U/P/00462/2016 dated 29-04-2016 and thereafter revised PPO under ROPA 2019 was issued to him vide memo No.PRI/JPG/20/F/2458 dated 21-12-2020. In view of said revised PPO he was entitled to Rs.4,39,675/- as

revised admissible gratuity as per ROPA 2019 but the respondent has paid a sum of Rs.3,00,624/- on 30-06-2016 after expiry of 91 days from the date of retirement and again the respondents had paid the remaining balance sum of Rs.1,39,051/- on 23-12-2020, that is, after expiry of 357 days from the date of entitlement.

It is submitted that no other dues are lying with the respondents. However, he is entitled to get interest at the rate of 10% per annum for delay of payment of such revised gratuity from the respondent no.2. But no interest has been paid by the respondents till date.

The petitioner made a representation dated 14-03-2023 praying for interest on the delayed payment of revised gratuity as per ROPA 2019 but the said representation has not been considered by the respondents. Accordingly, the petitioner filed this writ petition with prayer as aforesaid.

On the other hand, learned counsel appearing on behalf of the respondents on his usual fairness submits that necessary direction may be passed by this Court in respect of interest as seems fit and proper and its percentage.

Heard learned advocates appearing on behalf of the parties and on perusal of records, it appears that the prayer of the petitioner is genuine and acceptable. He is entitled to get interest on delay in payment of retiral benefits in view of the catena of judgments

pronounced by the Hon'ble Supreme Court as well as High Court.

Accordingly, the respondent no.2 is directed to calculate the interest for the delayed payment of gratuity as well as revised gratuity as aforesaid and pay the said interest amount at the rate of 8% per annum till final payment within eight weeks from the date of this order.

In view of the above facts and circumstances the Writ petition, WPA 2047 of 2023 is disposed of with the aforesaid directions.

Parties are directed to communicate copy of this order along with writ petition to the respondent no.2 for information and compliance.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously upon compliance of all requisite formalities.

(Ajay Kumar Gupta, J.)

