

08.10.2024
Sl. No.3
akd

**F. M. A. 496 of 2024
(CAN 1 of 2024)**

[Bhatpara Municipality -Vs- Narayan Debnath & Ors.]

Mr. Shiv Shankar Banerjee
Mr. Nilarnab Paul

... .. for the appellant
[Bhatpara Municipality]

Mr. R. Guha Thakurta
Ms. S. Sengupta
Ms. D. Roy

... .. for respondent no.1/
writ petitioner

1. Appellant-Bhatpara Municipality has appealed against the impugned order whereby the Municipality was directed to pay interest at the rate of 10% p.a. on the gratuity amount from the date on which it fell due till the date of actual payment and in the event the said payment is not made within eight weeks the Municipality was further directed to pay additional interest at the rate of 3% per annum to be calculated on the due amount from the date it became payable till the date of actual payment.
2. Heard the learned Advocates for both the parties.
3. In a similar case, a coordinate Bench of this court allowed the appeal of the Municipality to the aforesaid extent :-

“In view of the aforesaid we modify the order under appeal by setting aside the additional 3 per cent interest that the learned Judge directed the appellant to pay in the event of non-payment of the gratuity amount along with interest at the rate of 10 per cent per annum, within 8 weeks from the date of the order of the learned Judge. The appellant shall pay the gratuity dues of the respondent/writ petitioner with simple interest at the rate of 10 per cent per annum from the date when the gratuity amount became due to the respondent/writ petitioner till the date of actual payment, within 8 weeks from date. This will not prevent the

respondent/writ petitioner from making an application before the Controlling Authority under Section 8 of the Payment of Gratuity Act, 1972, or take such other action as he may be entitled to in law."

4. In light of the aforesaid, we modify the impugned order by setting aside the additional interest at the rate of 3% per annum imposed by the Hon'ble Single Judge in the event of non-payment of the gratuity along with interest at the rate of 10% per annum within eight weeks of the said order.
5. We are also informed gratuity along with interest at rate of 10% per annum has already been paid.
6. With the aforesaid modification, appeal is disposed of.
7. In view of disposal of the appeal, connected application being CAN 1 of 2024 is also disposed of.
8. Interim order, if any, shall stand vacated.
9. There shall be no order as to costs.
10. Let photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)