

04.04.2024.
Court No.13
Item No. 117
sp

W.P.A. No. 7417 of 2024

**Sima Sur
Versus
The Durgapur Projects Limited & Ors.**

Mr. Siddhartha Sarkar,
Mr. Hirak Roy

...For the petitioner.

Mr. Sujit Sankar Koley

...For the Durgapur Projects Limited.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner's husband expired on 11th April, 2021. The gratuity on account of her husband's service was paid on 23rd November, 2021. The petitioner who also claims leave salary on account of her husband's service for 235.5 days.
3. Counsel for the Durgapur Projects Limited has stated that they are in deep financial crisis and have been taken over by the West Bengal State Electricity Distribution Company Limited.
4. It is well settled that delayed payment of terminal benefits creates severe and drastic financial difficulties for an employee as he has no income. It, therefore, should automatically attract interest.
5. In those circumstances, interest at the rate of six percent per annum shall be paid for the period from 12th April, 2021 till 23rd November, 2021 on the gratuity amount of Rs. 2,16,113/- within a period of four months from date. Leave salary for 235.5 days

shall, however, be paid within a period of four months as well. The said quantum of leave towards leave salary shall carry interest at the rate of 6% from 12th April, 2021 till the date of actual payment.

6. With the aforesaid directions, the instant writ petition shall stand disposed of.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)