

04.04.2024.
Court No.13
Item No. 120
ap

W.P.A. No. 7424 of 2024

**Asim Kumar Roy
Versus
The Durgapur Projects Limited & Ors.**

Mr. Siddhartha Sarkar.

...For the petitioner.

Mr. S.S. Koley.

...For the DPL.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner's mother expired on 6th October, 2019. The gratuity on account of his mother's service was paid on 8th September, 2021. The petitioner also claims leave salary on account of his mother's service for 173 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 7th October, 2019 till 8th September, 2021 on the gratuity amount of Rs.4,07,246/- within a period of four months from date. Leave salary for 173 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 7th October, 2019 till the date of actual payment.

6. Any dues payable by the employee, inter alia, for overstaying quarters shall be deducted from the sums payable to him.

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

8. There will be no order as to costs.

9. 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.)