

11.07.2024

**Sl. No. 71
Ct. No. 23
Srimanta**

WPA/9767/2024

Surajit Roychoudhuri

-Vs.-

Union of India & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Haldar,

...for the petitioner.

Mr. Tirtha Pati Acharyya

...for the Union of India.

Mr. Emon Bhattacharya

...for the respondent nos. 2 to 5.

The petitioner retired from the services of ITI Limited on 31st January, 2023. The petitioner says that he has been paid a sum of Rs.20,00,000/- on 7th June, 2023 on account of gratuity. The petitioner subsequently received a sum of Rs.66,50,903.54/- on account of provident fund on 31st January, 2024. The petitioner says that he has not been paid the money on account of leave encashment. The petitioner is claiming such leave encashment with interest @ 18% per annum. The petitioner has also claimed interest on the gratuity amount which was paid. The petitioner is also claiming interest on the delayed payment of Rs.20,00,000/- on account of gratuity.

There is no dispute that the petitioner retired from the services of respondent no. 2 with effect from 31st January, 2023. The petitioner has been paid the

gratuity amount on 17th June, 2023, i.e., after six months. The petitioner is entitled to leave encashment which has not been provided.

In the facts and circumstances, as aforesaid, the respondents and in particular respondent No.2 is directed to pay interest on gratuity amount of Rs. 20,00,000/- with effect from 1st February, 2024 till 16th June, 2024 at the rate of 6% per annum within three months from date. The principal amount on account of privileged leave encashment along with interest @ 6% per annum till the date of payment shall be paid within a period of three months from date. In the event, the respondents refuse to pay any of the dues on the ground of petitioner's disentitlement to claim interest on delayed payment or the leave encashment amount with interest for any legal bar, the concerned authority shall give specific reasons for the same and communicate such order to the petitioner. Nothing further remains to be adjudicated in the writ petition and the same is, accordingly, disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)