

24.04.2024.
Court No.13
Item No. 35
pk

W.P.A. No. 11087 of 2024

**Subhas Chandra Dutta
Versus
The Durgapur Projects Limited & Ors.**

Mr. Siddhartha Sarkar,
...For the petitioner.

Mr. Sujit Sankar Koley
...For the Durgapur Projects Limited.

Mr. Joydeep Banerjee
... For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner superannuated from service on 30th November, 2023. Two of his terminal benefits, namely, leave encashment for 280.5 days and the principal amount of gratuity of Rs.9,63,090/- have not been paid till date.
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, the gratuity and leave encashment amount shall be paid to the petitioner with six per cent interest mandatorily and positively within a period of four months from date. In default of

payment within four months as indicated hereinabove, the rate of interest shall stand increased to ten per cent.

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.)