

17.09.2024

Sl. No. **40**
Ct. No. **23**
(PP)

WPA 14029 of 2024

Asima Pramanik

-Vs.-

Durgapur Projects Ltd. & Ors.

Mr. Siddhartha Sarkar

...for the petitioner.

Mr. Sujit Sankar Koley

...for the Durgapur Projects Limited.

Affidavit-of-service filed in Court today is taken on record.

The petitioner is the wife of a deceased employee of Durgapur Projects Limited (in short, DPL), the respondent no. 1. The petitioner's husband retired from service on 31st March, 2021, and subsequently died on 20th June, 2023. The petitioner's husband has been paid the gratuity amount of Rs.15,12,853/- on 26.08.2021. Leave salary equivalent to 300 days has not been paid to the petitioner's husband.

The petitioner, therefor, claims to be entitled to interest for the delayed payment of principal amount of gratuity, i.e., Rs.15,12,853/- as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972

(hereinafter referred to as the 'said Act') and the principal amount of leave salary with interest for the delayed payment of leave salary computed on the basis of the last drawn pay of the petitioner's husband as his legal heiress since the same are part of the retiral benefits, which form part of the estate left behind by the deceased employee.

The issues involved in the instant writ petition are squarely covered by a recent judgment and order of this Court dated 9th August, 2021 passed in WPA 11485 of 2021 (Kajal Pal –Vs.- The Durgapur Projects Ltd. & Ors.). The consensus between the parties as was in case of Kajal Pal (supra) is also there in the instant case as DPL, the employer has assured time bound payment the rate of interest allowed is less than the present rate under the 1972 Act.

This writ petition is as such disposed of on the similar lines as in Kajal Pal (supra), which as follows:-

The respondent no. 1 is directed to pay the interest on gratuity of Rs.15,12,852/- @ 6% from 01.04.2021 to 26.08.2021 and the principal amount on account of leave salary with interest computed on the basis of the last drawn pay of the petitioner's husband @ 6% from 01.04.2021 till the actual date of payment. The principal and interest as directed

shall be paid within a period of six months from the date of communication of a server copy of this order without insisting upon production of a certified copy thereof and, in default, statutory rate of 10% as in case of gratuity will be attracted on the entire amount from 1st April, 2021 till repayment.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)