

16.07.2024

Sl. No. **15**

Ct. No. **23**

Srimanta

WPA/14031/2024

Ardhendu Sekhar Acharjee

-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 was an employee in Durgapur Projects Limited (in short, DPL), the respondent no. 1. The petitioner retired from service on 30th June, 2022. The petitioner on his retirement was entitled to payment of gratuity and an amount on account of leave salary. This figure is not in dispute. The petitioner was paid the gratuity amount and leave salary of Rs. 4,94,192/- on 26.04.2024. The date of payment is also not in dispute. The petitioner says that there has been a delay of about 22 months in making of the said sum of Rs. 4,94,192/- on account of gratuity and leave salary. The petitioner, therefore, is entitled to interest for delayed payment of gratuity as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the

'said Act') and leave salary together with interest on the same rate on leave salary since the same is part of the retiral benefits.

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/11485/2021 (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.

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

The respondent no. 1 is directed to pay interest to the writ petitioner at the rate of 6 per cent per annum on Rs. 4,94,192/- being the delayed payment of gratuity and leave salary within a period of six months from the date of communication of a server copy of this order and in default statutory rate of 10% as in case of gratuity will be attracted on the entire amount from 1st July, 2022 till 26th April, 2024 and at the same rate in the principal sum of leave salary 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.)