

16.07.2024

Sl. No. 38

Ct. No. 23

Srimanta

WPA/15389/2024

Uttam Kumar Chakraborty

-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 31st January, 2024. The petitioner on his retirement was entitled to payment of gratuity of Rs.9,45,830/- together with interest and principal amount of leave salary for 268.5 days. This figure is not in dispute. The petitioner has not been paid the afore-mentioned gratuity amount and principal amount of leave salary for 268.5 days till now. The petitioner, therefor, is entitled to principal amount of gratuity, i.e., Rs. 9,45,830/- as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 'said Act') together with interest and principal amount of leave salary for 268.5 days computed on the basis of the

petitioner's last drawn pay and 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 the principal amount of gratuity of Rs. 9,45,830/-together with interest @ 6% and leave salary for 268.5 days computed on the basis of petitioner's last drawn pay together with interest @ 6% 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 February, 2024 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.)