

ML 51
15.04.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16564 of 2023

**Hiranmoy Mukherjee
-versus
The State of West Bengal & Ors.**

**Mr. Srikanta Datta.
...For the Petitioner.**

**Mr. Usof Ali Dewan,
Mr. Asif Dewan.
...For the Respondent No.5.**

**Ms. Nilanjana Dasgupta.
...For the State.**

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

The petitioner prays for interest on account of delayed payment of his terminal dues. The employee retired on attaining his normal age of superannuation on 28th February, 2006. His terminal dues were cleared by way of installments and the final installment was paid to the petitioner in September 2023.

From the calculation sheet handed over by the learned advocate appearing for the Municipality, it appears that first payment was made in November 2010 more than 4½ years after the employee retired from service and the major payment was paid only in the month of March 2018.

It is settled law that an employee ought to receive his terminal dues immediately on retirement or soon thereafter.

In the instant writ petition, there has been enough delay in clearing the terminal dues. There is no reason as to why the petitioner will not be paid interest on account of such delayed payment.

In view of the above, the Municipality is directed to pay interest to the petitioner on account of the delayed payment of his terminal dues @7% per annum to be calculated in respect of the amount due on and from the due date till the date of actual payment.

The aforesaid amount shall be paid latest by 31st July, 2024.

In the event the amount is not paid by 31st July, 2024, then the petitioner will be entitled to receive additional interest of 2% i.e. $7+2=9\%$.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)