

24.09.2024

Sl. No. 84
Ct. No. 23
(PP)

WPA of 19356 of 2024

Kamalesh Sihi

-Vs.-

Durgapur Projects Ltd. & Ors.

Mr. Amit Kumar Ghosh

...for the petitioner.

Mr. Sujit Sankar Koley

...for the Durgapur Projects Limited.

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

During the pendency of the writ petition, the principal sum has been paid. The petitioner, therefor, is entitled to receive the interest for delayed payment of the retiral benefit, if the same has been paid beyond one month from the date of his retirement.

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.8,03,376.92 and principal amount of leave salary for 300 days. The petitioner has been paid the afore-mentioned gratuity amount

and principal amount of leave salary for 300 days on 23rd August, 2024.

The petitioner, therefor, has become entitled to receive interest for the delayed payment on the gratuity amount of Rs.8,03,376.92 as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 'said Act') and on the principal amount of leave salary for 300 days computed on the basis of the petitioner's last drawn pay 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 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, as such is disposed of on the similar lines as in Kajal Pal (supra), which are as follows:-

The respondent no. 1 is directed to pay interest @ 6% per annum on the gratuity amount of Rs.

8,03,376.92 and on the principal amount of leave salary for 300 days computed on the basis of the petitioner's last drawn pay from 1st February, 2024 till 23rd August, 2024 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.)