

24.09.2024

Sl. No. 104

Ct. No. 23

(PP)

WPA of 20120 of 2024

Aswini Aich

-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 December, 2022. The petitioner was paid his retiral benefits to the tune of Rs.10,13,900/- on account of gratuity and leave salary on 4th July, 2024. This figure is not in dispute. The petitioner, therefor, is entitled to interest on Rs.10,13,900/- due to delayed payment of the said sum as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 'said Act').

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.

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 on Rs.10,13,900/- @ 6% per annum from 1st January, 2023 till 4th July, 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 January, 2023 till 4th July, 2024.

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.)