

24.09.2024

Sl. No. 174

Ct. No. 23

Srimanta

WPA/22623/2024

Basudeb Mahadani

-Vs.-

The Durgapur Projects Limited & 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 30.09.2023. The petitioner on his retirement was entitled to payment of gratuity to the tune of Rs. 2,93,123/- and principal amount of leave salary for 273 days. The petitioner has not been paid the afore-mentioned gratuity amount and the principal amount of leave salary for 273 days till now. The petitioner, therefor, is entitled to receive interest on delayed payment on the unpaid gratuity amount, i.e., Rs. 2,93,123/- as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 'said Act') and principal amount of leave salary for 273 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.

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 the unpaid principal amount of gratuity of Rs. 2,93,123/- together with interest @ 6% and leave salary for 273 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 and leave salary will be

attracted on the entire amount from 01.10.2023 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.)