

**24.09.2024**

**Sl. No. 166**

**Ct. No. 23**

**Srimanta**

**WPA/22597/2024**

**Biswanath Dhang**

**-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 30.06.2023. The petitioner has been paid the gratuity amount and leave salary to the tune of Rs. 7,93,915/- on 29.08.2024. The petitioner, therefor, is entitled to interest for the delayed payment of principal amount of gratuity as per the provisions of Section 7(3A) of the Payment of Gratuity Act, 1972 (hereinafter referred to as the 'said Act') and the interest for the delayed payment of leave salary 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 9<sup>th</sup> 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 interest on the principal amount of gratuity and leave salary of Rs. 7,93,915/- @ 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 01.07.2023 till 29.08.2024.

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.)**