

OD-4

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/36/2024

SIPRA SEN
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 5th March, 2024.

*Appearance :
Mr. Debdutta Basu, Adv.
... for the petitioner.*

*Ms. Deblina Chattaraj, Adv.
Ms. Angana Dutta, Adv.
... for the respondent.*

The Court : - 1. The petitioner has filed the instant writ petition claiming compensation for delay in payment of retiral benefits. The petitioner superannuated from service in March, 2016. He was paid all retirement benefits in August, 2016.

2. The petitioner approached Court for the first time in the year 2023, seven years after receiving his terminal benefits, with an additional cause of action.

3. The additional part of his cause of action is the delay in payment of differential gratuity. Such differential gratuity was allowed under ROPA

2019 with effect from 01.01.2016.

4. The issue of payment of differential gratuity and interest thereon to employee is pending consideration in APOT/243/2022, that is being heard along with Cross-objection no. OCOT/1/2023. The claim of the petitioner to that extent will have to abide by the result of the said appeal and is therefore not adjudicated upon in this proceedings.

5. In so far as the delay in payment of retiral benefits of five months, one needs to bear mind the dicta of the Supreme Court in the case of **Union of India Vs. Tarsem Singh**, reported in **(2008) 8 SCC 648** While the right of an employee to interest on delayed payment of retiral benefits has been upheld, it is equally settled that a delayed claim for retiral benefits would affect the right of interest.

6. In the facts and circumstances of the case, WPO/36/2024 stand disposed of by directing the respondent/employer to pay interest at the rate of 4% per annum for the period of five months on the total amount of terminal benefits paid to him within a period of one month from date.

7. Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(RAJASEKHAR MANTHA, J.)

