

ORDER SHEET

APOT/210/2023
IA No. GA/1/2023
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

M/S. EASTERN COALFIELDS LIMITED & ORS.
VERSUS
SABRA KHATUN & ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE SHABBAR RASHIDI

Date : June 13, 2024.

Appearance:
Syed Nurul Arefin, Adv.
Syed Moyeenul Arefin, Adv.
For the Appellants.

Mr. Partha Ghosh, Adv.
Ms. Simran Sureka, Adv.
Mr. Debashis Das, Adv.
For the respondents/petitioners.

The Court :- For the ends of justice, the delay in making and filing the appeal is condoned.

IA No. GA/1/2023 is allowed.

The appeal is directed against an order dated March 24, 2023 passed in WPO/3147/2022.

By the impugned order, learned judge took note of the fact that the husband of the writ petitioner died in harness on June 14, 2021. The husband of the petitioner was entitled to gratuity. Such gratuity was paid

on February 7, 2023. The learned Judge, therefore, awarded 6% interest for the delay in payment for the period from June 15, 2021, being the next date subsequent to the date of death of the husband of the writ petitioner, till the date of payment of being February 23, 2023. Learned Single Judge further directed that, the interest be paid within eight weeks from the date of the order.

Learned advocate appearing for the respondents/petitioners submits that, the appellant was prevented by a suit from making payment of the terminal benefits. He submits that the direction for payment of interest is harsh. The daughter of the writ petitioner was granted compassionate appointment.

Receipt of the compassionate appointment is right which flows out of the service conditions of a deceased employee. Therefore, the receipt of such compassionate appointment by the daughter of the writ petitioner/appellant is of no consequence so far as the disbursement of the terminal benefits of the deceased employee.

The appellant disbursed the gratuity on February 23, 2023 during the pendency of the writ petition. No other material is placed before this Court to suggest that there was a legal impediment on payment of the gratuity contemporaneously or the terminal benefits.

Learned Judge rightly allowed interest at the rate of 6% per annum for the delay in disbursement of the gratuity amount for the period from June 15, 2021 till February 23, 2023.

In such circumstances, we find no merit in the present appeal.

APOT No. 210 of 2023 is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

(SHABBAR RASHIDI, J.)

snn.