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C.P.A.N. 88 of 2025
in
WPA 16364 of 2024

Hemanta Kumar Swain
Vs.
Biswajit Basu

Ms. Senjuti Sengupta
Mr. R. Guha Thakurta
Mr. Pulin Chandra Maity
... for the petitioner.

Mr. S. K. Singh
Mr. R. K. Dubey
... for the employer.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
... for the alleged contemnor.

This is an application alleging violation of an order dated 12th August, 2024. By the order dated 12th August, 2024, this Court had held as follows:

> "Pursuant to the order dated July 22, 2024, the State Authorities have taken necessary instructions. It appears from the Report filed on behalf of the State Authorities that the Certificate Officer has realized the entire amount and the only question which remains to be adjudicated is one of compound interest in accordance with law.
>
> It is fairly submitted on behalf of the petitioner that there is no scope of any other

> relief in this proceeding.
>
> WPA No. 16364 of 2024 is disposed of by directing the Certificate Officer to act in accordance with law and conclude the Certificate Proceedings as expeditiously as possible, preferably within two months from the date of communication of this order.
>
> The respondent authorities do not object to the passing of the above order.
>
> With the above directions, WPA No. 16364 of 2024 stands disposed of.
>
> However, there shall be no order as to costs."

It is submitted on behalf of the petitioner that alleged contemnors have acted in violation of the said order and have not paid the entire gratuity amount inclusive of compound interest.

It is submitted on behalf of the respondent no. 3 that pursuant to the order dated 12th August, 2024, a sum of Rs.66,230/- has been paid to the petitioner. However, in so far as the amount of compound interest, an amount of Rs.20,903/- is still lying to the credit of the petitioner.

On behalf of the private respondent, it is submitted that in view of the order and judgment dated 24th

December, 2024, the basis of calculating the compound interest both by the petitioner and the respondent no. 3 is misconceived and erroneous. It is submitted that further interest cannot be calculated on the gratuity amount inclusive of simple interest and hence the methodology of calculation by the petitioner as well as the respondent no. 3 is erroneous.

It is an admitted position that pursuant to the order dated 18th February, 2025, an amount of Rs.66,230/- has been duly received by the petitioner. In so far as the claim for further interest is concerned, the same has been charged on both gratuity as well as simple interest. This is impermissible as has been held in an unreported decision passed by this Court in WPA 11387 of 2024 (Calcutta Jute Manufacturing Company Limited Vs. Baleswar Shaw & Ors.) dated 24th December, 2024.

In view of the above, the demand of further interest over and above the amount of Rs.66,230/- is misconceived and untenable. In such circumstances, there is no violation of the order dated 12th August, 2024.

Accordingly, CPAN 88 of 2025 in WPA 16364 of 2024 stands dismissed.

(Ravi Krishan Kapur, J.)