

Form No. J(2)

**District: Paschim Bardhamman**

**IN THE HIGH COURT AT CALCUTTA**

**Civil Appellate Jurisdiction**

**Appellate Side**

**Present :**

**The Hon'ble Justice Ananya Bandyopadhyay**

**WPA 10435 of 2021**

**SWAPAN KUMAR SARKAR**

**VS**

**DURGAPUR PROJECTS LIMITED AND ORS.**

Mr. Suman Banerjee

... for the petitioner

Mr. Sujit Sankar Koley

... for the respondents/Durgapur Projects Ltd.

Heard on : 28.07.2025

Judgment on : 28.07.2025

**Ananya Bandyopadhyay J.**

1. The petitioner had joined the post of Shramik on 14.01.1982 at Durgapur Projects Limited and had been superannuated on attaining the age of superannuation on 31<sup>st</sup> August, 2017. The petitioner submitted to have received a sum of Rs.12,96,529/- on account of gratuity and leave salary on 19<sup>th</sup> December, 2018 after a period of almost six months from the date of his superannuation. The petitioner had filed the instant writ petition seeking interest @10% compounded annually for a period of delay of sixteen months. The learned advocate representing the petitioner further submitted

that the petitioner was yet to receive the interest on the delayed payment and sought for a direction to that effect for immediate disbursement of the interest for delayed payment of gratuity as well as leave salary.

2. The learned advocate representing the respondent Durgapur Projects submitted that in view of several orders passed by this Hon'ble Court the petitioner was entitled to receive interest @ 6% per annum for the period of delay to be paid within six months from the date of communication of this order. Vide the order dated 13<sup>th</sup> January, 2023 the petitioner had been substituted by his wife, son and daughter being the applicant nos.1, 2 and 3.

3. The respondents authorities are directed to disburse the interest at the rate of 6% per annum for a period of fifteen months delay on account of the gratuity as well as leave encashment in equal proportion to the wife, son and daughter of the petitioner who had been substituted by the Co-ordinate Bench of this court by an order as aforesaid within a period of nine weeks.

4. The writ petition is disposed of accordingly without any order as to costs.

5. Urgent Photostat Certified copy of this Judgment, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

( **Ananya Bandyopadhyay, J. )**