

W.P.C.T. 109 of 2025

Union of India & Ors.

Vs.

Dhurjati Prosad Chowdhury & Anr.

Mr. Sanajit Kumar Ghosh,
Mrs. Sarda Sha,
Ms. Dipasree Dey

...for the Petitioners

Mr. Debanshu Ghorai

...for the Respondent Bank

Mr. Sk. Afrazul Haque,
Ms. Jaya Banerjee,
Mr. Sankar Banerjee

...for the Private Respondent

1. Heard the learned counsel for the petitioners and the learned counsel for the respondents.
2. The applicant before the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as the 'C.A.T.') was a retired employee of the respondent railway. He retired on attaining the age of superannuation on 13.06.2016. His post-retiral dues excluding the benefit of gratuity were paid to him which brought him before the C.A.T. During pendency of the proceedings before the C.A.T. and after a delay of more than 06 (six) years from the date on which gratuity became payable, the authorities have released the payment. The C.A.T., in the circumstances, has directed that the applicant is entitled to interest at the rate applicable to railway gratuity account for the delayed payment of this benefit.

3. The learned counsel for the petitioners submits that since the private respondent was an accused in a criminal case instituted by a Bank, the authority had the power and jurisdiction to withhold the dues.
4. The Court has made a specific query as to whether for a criminal case instituted which was not in relation to his service, the provision can be invoked and if it was so, what prompted the authorities to release the payment on 25.11.2022.
5. There is no development, or change in circumstances brought to the notice of the C.A.T., or this Court which may have prompted the authorities to pay the due gratuity to the private respondent on 25.11.2022.
6. Withholding of gratuity, in the circumstances, for a period of nearly 06 (six) and half years was without any basis whatsoever. The same was not paid when it fell due on 13.06.2016; and when the authorities thought it appropriate they have paid it to him on 25.11.2022 as if there was an absolute discretion in the authority to release the payment as and when they deemed fit. There is no reason to support the withholding of gratuity for the period of 06 (six) and a half year. The payment thereafter is not actuated by any subsequent development.

7. It is glaring from the records that the withholding was arbitrary, based on *non est* reasons and wholly unjustified and the petitioner cannot be made to suffer deprivation of interest for this period. The petitioner is thus entitled to receive interest for the period in question. We therefore do not find any reason to interfere with the order dated 05.11.2024 passed by the C.A.T. in O.A. No. 105 of 2018.
8. The order of the C.A.T. insofar as the direction has been issued to calculate interest at the rate of provident fund stands modified, to be read as due statutory interest on gratuity amount.
9. The Writ Petition being **W.P.C.T. 109 of 2025** is disposed of.
10. There will be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)