IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

17.06.2025
Ct. no.2
Daily List Sl. 3
Moumita

WPA 11724 of 2025

Chandra Sekhar Das

Vs.

The State of West Bengal & Anr.

Mr. Srinjay Sengupta
Mr. Saurav Roy
Mr. Ankush Ghosh
.... For the Petitioners.

Mr. Niladri Bhattacharya
Ms. Deblina Chatttoraj
....For the Respondent nos. 2 to 5

Mr. Swapan Kr. Pal
....For the State

Mr. Srinjay Sengupta, learned advocate appears for the petitioners.

Ms. Deblina Chattoraj, learned counsel appears for the respondent nos. 2 to 5.

Mr. Swapan Kr. Pal, learned counsel appears for the respondent no. 1.

The petitioner was an employee of the respondent no. 2. The petitioner retired on ***October 31, 2018.*** The document dated ***November 21, 2024 annexure p-3 at page 22*** to the writ petition, shows that the gratuity amount payable to the petitioner was enhanced up to a ceiling limits of 20 lakhs with effect from ***March 29, 2018.*** Since, the petitioner has retired on ***October 31, 2018,*** he is entitled and eligible to receive the said highest ceiling limit of gratuity amount for a sum of Rs.20,00,000/-.

Accordingly, the petitioner has already received a sum of Rs.12,00,000/- on account of gratuity immediately upon retirement. The enhanced amount of Rs.8,00,000/- was received on ***December 2, 2024***. The petitioner now claims interest on such delayed payment of gratuity.

Ms. Deblina Chattoraj, learned counsel appearing for the respondent nos. 2 to 5 submits that by way of this order/notification dated ***November 21, 2024 annexure p-3 at page 22*** to the writ petition, the respondent no. 2 had adopted the enhancement policy on account of gratuity introduced by the state for the Government employees. Hence interest should be paid with effect from ***November 21, 2024,*** being the date of adoption by the respondent no. 2 of the state policy for enhancement of gratuity.

Per contra, the petitioner claims interest immediately from the next following day of his retirement.

After considering the rival contentions of the parties and upon perusal of the materials on record and on a harmonious construction of the said notification/order dated ***November 21, 2024***, this court is of the firm view that, even if, the respondent no. 2 has adopted the state policy for enhancement of gratuity through the said order dated ***November 21, 2024*** but the said document does not speak it has been adopted by the respondent on and from the said date of the order/notification being ***November 21, 2024.*** On the contrary, the said order/notification shows that the enhancement of gratuity was effected with effect from ***March 29, 2018***. The last paragraph of the said order/notification dated ***November 21, 2024*** speaks of a clarification made by the respondent no. 2 with regard to the applicability of a differential gratuity by specifying a specific time period but no such clarification is there with regard to the date of adoption in respect of the effective date of the commencement of the benefit of enhanced gratuity. In absence of such specific clarification being there in the said order/notification dated ***November 21, 2024,*** this court is of the considered view that, the respondent no. 2 has adopted the effective date of the said enhanced gratuity with effect from ***March 29, 2018*** and not from ***November 21, 2024***. The contention of the respondent no. 2 stands ***rejected*** accordingly.

In view of the above, the respondent no. 2 and/or its appropriate authority shall forthwith pay interest ***at the rate of 6% per annum*** to the petitioner on and from the immediate next date of retirement of the petitioner i.e. ***November 1, 2018*** till ***December 2, 2024,*** when amount was actually paid to the petitioner. In compliance of this direction the appropriate authority of the respondent no. 1 shall forthwith release the necessary fund in favour of the respondent no. 2 on account of interest as directed to be paid to the petitioner positively within a period of ***six weeks*** from the date of communication of this order.

The respondent no. 2 in turn shall pay the same to the petitioner within further a period of ***two weeks*** from the date of receiving the said necessary sum from the state.

In the event of default, either on the part of the state or on the part of the respondent no. 2 the interest should be calculated ***at the rate of 8% per annum*** beyond the said periods of ***six or two weeks*** as directed above and shall be paid by the authority on whose part the delay will occur.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, ***WPA 11724 of 2025*** stands ***disposed of*,** without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)