

28.04.2025.
Item No. 13
Court No. 13
pk

**MAT 769 of 2021
with
CAN 1 of 2021
and
CAN 2 of 2021**

**The Administrator, Berhampore Municipality &
Sub-Divisional Officer & Anr.
Versus
Dukhini Das & Ors.**

Mr. L. Mondal,
Mr. Probal Sarkar,
Sk. Kiran

...For the respondents/writ petitioners

Mr. Jahar Datta
Mr. Bipin Ghosh

...For the State.

Mr. Arindam Das,
Mr. Snehasish Ghosh

... For the Berhampore Municipality.

1. Affidavit of service filed in Court is taken on record.
2. The subject matter of the instant appeal is similar and identical to several appeals, inter alia, being MAT 866 of 2019 (The Administrator, Berhampore Municipality & Sub Divisional Officer and another Vs. Manjusree Das Dey and others).
3. The said appeals being 17 in number were disposed of by order dated 21.04.2025.
4. The said order is set out herein below :

“These instant intra court appeals are directed against several orders passed in the writ petitions

filed by the employees of Berhampore Municipality seeking gratuity upon their retirement.

The contention of the Berhampore Municipality was that there are in a shortage of funds.

In a situation of shortage of funds, the Municipality concerned can either approach the State Government for funds or apply for loan from it.

It is submitted by the Counsel for the appellant/Municipality that an arrangement was reached through the good office of the then Advocate General of the State that since several crores of rupees remaining outstanding towards Municipal Tax to be collected by the Berhampore Municipality and paid to the State, such collection should be used for the purpose of Payment of Gratuity to the writ petitioners/retired employees of the Municipality.

It is now well settled that any delay in payment of gratuity beyond a period of 30 days from retirement would attract interest. Several Benches of this Court has ordered interest at various rates.

This Court is of the view that the delayed Payment of Gratuity to each of the employee would attract interest at the rate of 8% per annum uniformly.

It is expected that all the gratuity dues of all the retired employees, who have filed writ petitions from which the aforesaid appeals have been carried, must be paid their gratuity dues with interest as directed hereinabove within a period of ten months from date mandatorily and positively. In default, the rate of interest shall stand increased to 11% per annum.

In the event, the revenues from the property tax collected by Berhampore Municipality are insufficient to meet the gratuity dues of the writ petitioners/retired employees, the Secretary, Finance of the State of West Bengal shall extend necessary funds to the Berhampore Municipality to comply with the directions contained hereinabove.

With the aforesaid directions, all these appeals shall stand disposed of.

In view of disposal of these appeals, all the connected applications are disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.”

5. The instant appeal shall also be governed by the aforesaid order and is hereby disposed of.

6. In view of disposal of the appeal, connected pending applications are also disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)