

21.04.2025
Court No.13
Item Nos.12 to 28
ap

MAT 866 of 2019
The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.
Vs.
Manjusree Das Dey & Ors.

With
MAT 142 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021
The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.
Vs.
Jagannath Das & Ors.

With
MAT 144 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021
The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.
Vs.
Jayanti Goswami & Ors.

With
MAT 145 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021
The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.
Vs.
Basanta Hazra & Ors.

With
MAT 146 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021
The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.
Vs.
Balaram Sinha & Ors.

With
 MAT 147 of 2020
 With
 CAN 1 of 2021
 With
 CAN 2 of 2021
**The Administrator, Berhampore Municipality
 & Sub Divisional Officer & Anr.**
 Vs.
Abhijit Roy

MAT 148 of 2020
 With
 CAN 1 of 2021
 With
 CAN 2 of 2021
**The Administrator, Berhampore Municipality
 & Sub Divisional Officer & Anr.**
 Vs.
Rabindra Nath Jar & Ors.

With
 MAT 149 of 2020
 With
 CAN 1 of 2021
 With
 CAN 2 of 2021
**The Administrator, Berhampore Municipality
 & Sub Divisional Officer & Anr.**
 Vs.
Tulshi @ Tulsi Hazra & Ors.

With
 MAT 159 of 2020
 With
 CAN 1 of 2021
 With
 CAN 2 of 2021
**The Administrator, Berhampore Municipality
 & Sub Divisional Officer & Anr.**
 Vs.
Santi Das & Ors.

With
 MAT 160 of 2020
 With
 CAN 1 of 2021
 With
 CAN 2 of 2021
**The Administrator, Berhampore Municipality
 & Sub Divisional Officer & Anr.**
 Vs.

Parbati Das & Ors.

**With
MAT 161 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Ratan Kr. Bhattacharjee & Ors.

**With
MAT 162 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Tufani Harijan & Ors.

**With
MAT 163 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Sutapa Das & Ors.

**With
MAT 164 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Narayan Ch. Mandal & Ors.

**With
MAT 165 of 2020
With
CAN 1 of 2021
With
CAN 2 of 2021**

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Nadalal Ghosh & Ors.

With

MAT 166 of 2020

With

CAN 1 of 2021

With

CAN 2 of 2021

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Jiban Bhattacharjee & Ors.

With

MAT 167 of 2020

With

CAN 1 of 2021

With

CAN 2 of 2021

**The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.**

Vs.

Provash Hazra & Ors.

Mr. Arindam Das,
Ms. Ananya Chakraborty,
Mr. Snehasish Ghosh.

.... For the appellants.

Mr. Jahar Dutta,
Mr. Bipin Ghosh.

...For the State.

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

.... For the writ petitioners/respondents.

1. 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.

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

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

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

11. There will be no order as to costs.

12. 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.)