

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

02 21.4.2025
Ct. no.2
Moumita

WPA 24346 OF 2024

Rekha Garai
Vs.

The Durgapur Projects Limited
& Ors.

Mr. Amit Kumar Ghosh

....For the Petitioner

Mr. Sujit Sankar Koley

....For the Respondents

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Amit Kumar Ghosh, learned Advocate appears for the petitioner.

Mr. Sujit Sankar Koley, learned Counsel appears for the respondents.

The petitioner's brother was an employee in ***Durgapur Projects Limited*** (in short DPL), the respondent no. 1. The petitioner's brother expired on ***October 17, 2020***. The petitioner being the nominee has been paid the gratuity amount and leave salary to the tune of ***Rs.10,89,290/-*** on ***December 08, 2021***. The petitioner, therefore, is entitled to interest for the delayed payment of principal amount of gratuity as per the provisions of ***Section 7(3A)*** of the ***Payment of Gratuity Act, 1972*** (hereinafter referred to as the 1972 Act) and the ***interest*** for the delayed payment of leave salary

computed on the basis of the petitioner's last drawn pay since the same is part of the retiral benefits.

The issues involved in the instant writ petition are squarely covered by a recent judgment and order of this Court ***In the matter of : Kajal Pal –Vs.- The Durgapur Projects Ltd. & Ors.*** passed in ***WPA 11485 of 2021*** on ***August 9, 2021***. The consensus between the parties as was in case of ***Kajal Pal (supra)*** is also there in the instant case. As DPL, the employer has assured time bound payment, the rate of interest allowed is less than the present rate under the ***1972 Act***.

This writ petition as such, is ***disposed of*** on the similar lines as in ***Kajal Pal (supra)***, which are as follows:-

The respondent no. 1 is directed to pay the ***interest*** on the principal amount of gratuity and leave salary of ***Rs.10,89,290/- @ 6% per annum*** within a period of ***six months*** from the date of communication of a server copy of this order without insisting upon production of a certified copy thereof and, ***in default***, statutory rate of interest ***@10% per annum*** as in case of gratuity and leave salary will be attracted on the entire amount from ***October 18, 2020*** till ***December 08, 2021***.

Nothing further remains to be adjudicated in this writ petition.

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

Accordingly, **WPA 24346 of 2024** stands ***disposed of***.

Parties shall act on the website copy of this order duly downloaded from the official website of this Hon'ble Court.

(Aniruddha Roy, J.)