

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

03 21.4.2025

Ct. no.2
Moumita

WPA 24351 OF 2024

Baidyanath Shil

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 was an employee in Durgapur Projects Limited (in short DPL), the respondent no. 1. The petitioner retired from service on **31st July, 2022**. The petitioner on his retirement was entitled to payment of gratuity of **Rs.12,54,300/-** together with interest and principal amount of leave salary for **300 days**. This figure is not in dispute. The petitioner has not been paid the aforementioned gratuity amount and principal amount of leave salary for **300 days** till now. The petitioner, therefor, is entitled to principal amount of gratuity, i.e., **Rs.12,54,300/-** as per the provisions of **Section 7(3A)** of

the ***Payment of Gratuity Act, 1972*** (hereinafter referred to as the 1972 Act) together with ***interest and principal*** amount of leave salary for ***300 days*** computed on the basis of the petitioner's last drawn pay and interest on the same rate on leave salary 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***.

As such, this writ petition 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 ***principal*** amount of gratuity of ***Rs.12,54,300/-*** together with ***interest @ 6% per annum*** and leave salary for ***300 days*** computed on the basis of petitioner's last drawn pay together with interest ***@ 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 will be

attracted on the entire amount from **1st August, 2022** till repayment.

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 24351 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.)