

WPA 24799 of 2025

**Jotirmoy Mitra @ Jyotirmoy Mitra
Vs.
The Durgapur Project Limited & Ors.**

Mr. Siddhartha Sarkar
...for the petitioner
Mr. Sujit Sankar Koley
...for the Durgapur Projects Limited

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner was an employee of Durgapur Projects Limited, who retired on superannuation 31st January, 2025.
3. It is submitted by the learned advocate representing the petitioner that on calculating retiral dues of the petitioner towards gratuity and leave salary, total Rs. 13,66,088/- was paid to the petitioner on 26th June, 2025. Petitioner claims interest on delayed payment of gratuity and leave salary.
4. Petitioner has relied upon order of coordinate bench passed on 9th August, 2021 in **WPA 11485 of 2021 (Sri Kajal Pal vs. The Durgapur Projects Limited & Ors.)** wherein the coordinate bench directed 6% interest to be paid on deferred payment of retiral dues within specified time. Petitioner has also relied

upon a judgment of another coordinate bench dated 24th September, 2025 passed on a writ petition being **WPA 22031 of 2025 (Sukhamoy Bhui @ Sukhomoy Bhui vs. Durgapur Project Limited & Ors.)**.

5. Learned advocate representing Durgapur Projects Limited has submitted that no appeal was preferred against order dated 9th August, 2021 passed in **Kajal Pal** (supra) and judgment dated 24th September, 2025 passed in **Sukhomoy Bhui** (supra). However, it is contended that Durgapur Projects Limited is reeling under shortage of fund as a result whereof timely payment of retiral dues could not be made to its superannuated employees.
6. Having considered the submissions made on behalf of the parties and taking note of the order passed in **Kajal Pal** (supra) and **Sukhomoy Bhui** (supra) by two different coordinate benches it appears that in both the cases Durgapur Projects Limited was directed to pay 6% interest on deferred payment of gratuity and leave salary within a specified time failing which Courts further directed that respondent authority was required to pay statutory rate of interest on such deferred payments.

7. It needs to be recorded herein that though the petitioner retired on superannuation on 31st January, 2025 payment towards gratuity and leave salary was paid on 26th June, 2025 as a result whereof respondent authority was benefitted financially. As the petitioner is entitled to receive retiral dues on the next date following the date of his superannuation, petitioner is entitled to receive interest on deferred payment.
8. Concerned authority of Durgapur Projects Limited is directed to pay 6% interest per annum on 13,66,088/- within a period of 6 (six) months from the date of communication of this order for the period from 1st February, 2025 till 25th June, 2025 failing which concerned authority of Durgapur Projects Limited shall be liable to pay statutory interest of 10% on the aforesaid amount for the period from 1st February, 2025 till 25th June, 2025.
9. Writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)