IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

02 26.6.2025
Sc Ct. no.2

WPA 27534 OF 2024

Banshidhar Singh
Vs.
Union of India & Ors.

Mr. Asim Kumar Niyogi
Mr. Vaskar Pal.
....For the Petitioner
Mr. Brijendra Pratap Singh
....For the Respondents

Mr. Asim Kumar Niyogi, learned advocate appears for the petitioner.

Mr. Brijendra Pratap Singh, learned Senior Counsel appears for the respondents.

The petitioner is a retired employee of the Railway Protection Force (RPF). He retired on ***February 29, 2003***. The petitioner has not received Gratuity at the relevant point of time upon retirement as on the plea that, a criminal case was pending.

Finally the criminal matter travelled up to its appellate stage when a coordinate Bench by its judgment dated ***December 4, 2023*** passed in ***CRA 64 of 2003***, ***Annexure-P1, at page 11*** to the writ petition has finally acquitted the petitioner.

The Gratuity was paid to the petitioner on ***August 27, 2024***. The petitioner now claims interest.

The law is well settled by the Hon'ble Division Bench of this Court rendered ***In the matter of : Md. Farid –vs.- Union of India & Ors., reported in 2024 SCC OnLine Cal 2816***. The relevant observations of the Hon'ble Division Bench are quoted below :

> *"14. Since the entitlement of the appellant to get the gratuity on the date of his retirement on attaining the age of superannuation on 31.12.2006 is not in dispute, so sub sections (1) to (4) of section 4 of the Gratuity Act may not be relevant for consideration. Only sub-section (6) of section 4 is relevant in so far as the present case is concerned, because it deals with the conditions when an authority can forfeit the gratuity of an employee. The said statutory intent was also incorporated in the CCS Pension Rules, 1972 and the 1993 Rules.*
>
> *15. For determination of the claim towards payment of interest, the provisions of Section 7(3A) and Section 14 of the 1972 Act would be relevant, which are being extracted hereunder:-*
>
> *'7. Determination of the amount of gratuity. –*
>
> *(1)(2)(3) ****
>
> *(3A) If the amount of gratuity payable under sub-Section (3) not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at benefits envisaged under the Gratuity Act. Under the Gratuity Act, the appellant would be entitled to interest, on account of delayed payment of gratuity (as has already been concluded above). We therefore hold, that the appellant herein is entitled to interest on account of delayed payment, in consonance with sub-section (3A) of Section 7 of the Gratuity Act....'*
>
> ....
> ....
> ....
>
> *24. For the reasons discussed above, the order impugned in the present writ petition is not sustainable and the same is, accordingly, set*

> *aside and the respondents are directed to pay simple interest to appellant at the rate of 10% from the date of retirement of appellant till actual realization of the withheld amount of Rs.1,00926/- within eight weeks from the date of communication of this order."*

In view of the foregoing reasons and discussions the appropriate authority of the respondents is directed to pay simple interest to the petitioner @***10%*** from the date of retirement of the petitioner till the date of the actual amount of Gratuity paid to the petitioner positively within ***eights weeks*** from the date of communication of this order.

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

With the above observations and directions, this writ petition, ***WPA 27534 of 2024*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)