

Item no.22
11.08.2025
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1620 of 2025

**Amar Kumar Roy
-versus
The State of West Bengal & Ors.**

Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Mr. Bodhisatya Ghosh
Mr. Ajit Kumar Mahato

...For the Petitioner

Mr. Anirban Banerjee
Mr. Bikash Singha

...For the State.

1. Affidavit of service filed in Court today is retained with the record.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to disburse the interest on the account of delayed payment of gratuity.
3. The petitioner was an employee of Himalayan Cooperative Milk Producers Union Limited. As would appear from the office order dated 24th October 2013, the petitioner had retired from service on 30th April 2014. According to the petitioner, he had received an amount of Rs.5,73,217/- on account of gratuity and Rs.1,35,600/- on account of leave encashment. Such payments were made only on 27th April 2018.

4. Having heard the learned advocates appearing for the respective parties since it transpires that admittedly the gratuity and the leave encashment of the petitioner was paid to the petitioner belatedly on 27th April 2018 and noting the provisions contained in the Payment of Gratuity Act, 1972, I am of the view that the petitioner is entitled to interest on delayed payment of gratuity having regard to the fact that the petitioner was entitled to gratuity immediately upon reaching the age of superannuation. Ordinarily the petitioner would have been entitled to statutory interest at the rate of 10 per cent per annum for delayed payment of gratuity.
5. Be that as it may since it has been brought to the notice of this Court that in an identical matter an interest at the rate of 7 per cent has been awarded in the case of ***Bibhu Roy versus State of West Bengal & Ors. (WPA 2025 of 2024)***, I am of the view that the present writ petition can be disposed of by directing the respondents to make payment of interest on the delayed payment of gratuity and leave encashment to be calculated at the rate of 7 per cent per annum from the date of retirement

i.e., the date when the same became due till such time the same was actually paid.

6. The aforesaid payment should be made within four weeks from the date of communication of this order. In default, the petitioner shall be entitled to an additional interest at the rate of 2 per cent on the entire amount calculated in the manner noted above.
7. With the above direction and observation, the writ petition is disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties as early as possible.

(Raja Basu Chowdhury, J.)