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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/271/2025

PRODIP KUMAR CHAUDHURI
Versus
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE SAUGATA BHATTACHARYYA
Date : 18th June, 2025.

Appearance
Ms. Ujjaini Chatterjee, Adv.
Ms. Garima Raijada, Adv.
... for the petitioner.

Mr. Soumya Majumder, Sr. Adv.
Mr. Sushovit Dutt Majumder, Adv.
Mr. Sarosij Dasgupta, Adv.
Ms. Mini Agarwal, Adv.
Ms. Rajehwari Prasad, Adv.
..for the respondent nos. 3-6

1. Writ petition is at the instance of Deputy General Manager, Bridge & Roof Company(India) Limited(hereinafter referred to as 'The Company'), inter alia praying for release of gratuity and leave salary in terms of memorandum dated 3rd August, 2017 read with subsequent memorandum dated 10th July, 2018. Learned Advocate representing the petitioner submits that the petitioner retired on superannuation on 31st October, 2017. Just prior to superannuation of the petitioner Ministry of Heavy Industries & Public Enterprises Department of public enterprises vide office memo dated 3rd August, 2017 allowed pay revision of Board level and below Board level executives and non-unionized

supervisors of Central Public Sector Enterprises(CPSE) with effect from 1st January, 2017. The said memo dated 3rd August, 2017 enhanced the ceiling of gratuity from Rs.10,00,000/- to Rs.20,00,000/- which is provided in clause 12.1. There was a subsequent memo dated 10th July, 2018 whereby Ministry issued a clarification regarding the affordability of the CPSEs. It is also contended that memo dated 3rd August, 2017 was given effect to from 1st January, 2017 which makes the petitioner entitled to receive the benefits in terms of said memorandum taking note of the date of superannuation on 31st October, 2017.

2. It is further submitted that as per norms which was prevalent prior to 1st January, 2017, petitioner received Rs.10,00,000/- towards gratuity.

3. In support of the case made out in the writ petition reliance is placed on the judgment of the Hon'ble Division Bench dated 29th July, 2024 passed on intra Court Appeal in **FMA/664/2024 (Mukul Kumar Sengupta Vs. Union of India & Ors**.). It is submitted that the directions of the Hon'ble Division Bench have already been given effect to. In addition thereto, reliance is also placed on the judgment dated 16th June, 2025 passed by a coordinate Bench on a writ petition being **WPA/7266/2025 (Gobinda Lal Basu & Ors. Vs. Union of India & Ors**.).

4. The company is represented by Mr. Soumya Majumder, learned Senior Advocate who opposes the prayer made in the writ petition on the count of affordability of the company and it is

also submitted that the petitioner has come before this Court belatedly therefore the petitioner should be termed as fence-sitter. In addition thereto, it is contended on behalf of the company that the petitioner ought to have approached the forum under the Payment of Gratuity Act instead of preferring present writ petition.

5. Taking note of the judgment delivered by the Hon'ble Division Bench in **Mukul Kumar Sengupta** (supra) on 29th July, 2024 and another judgment dated 16th June, 2025 passed by the coordinate Bench in **Gobinda Lal Basu** (supra), it appears that the issue involved in this writ petition is no more *res integra*. Previously, the Court taking note of memorandum dated 3rd August, 2017 and 10th July, 2018 directed the company to release enhanced benefits. Therefore, this Court does not find impediment in giving similar directions for releasing outstanding dues towards gratuity and leave salary which is payable to the petitioner. It is well settled that financial affordability of a company in no way hinder the right of a retired officers/employees to get enhanced benefit in terms of relevant memorandum if same applies to such employees/officers when employees working in the company are getting benefits. In the present case, petitioner has received gratuity in terms of the norms which was applicable prior to 1st January, 2017 therefore balance amount of gratuity is required to be paid to the petitioner as per memorandum dated 3rd August, 2017.

6. Moreover, it does not escape notice of this Court that in terms of memoranda dated 3rd August, 2017 and 10th July, 2018 existing employees working in the company are getting enhanced benefits.
7. In view of the aforesaid scenario, respondent no.3 is directed to release gratuity which is due and payable to the petitioner in terms of memo dated 3rd August, 2017 read with memo dated 10th July, 2018 along with leave salaries within a period of four weeks from date of communication of this order.
8. Respondent no.3 is directed to pay interest at the rate of 8% per annum from 10th July, 2018 till the date of release of such benefits.
9. With the aforesaid directions, writ petition being no. WPO/271/2025 stands disposed of.
10. Urgent certified photostat copy of this order, if applied for, be made available to the parties subject to compliance of all requisite formalities.

(SAUGATA BHATTACHARYYA, J.)

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