

**28.04.2026**  
**Item No.11**  
**Court No. 30**  
**MKP**

**WPA 9507 of 2026**

**The West Bengal State Co-operative  
Marketing Federation Ltd.(BENFED)**

**-vs-**

**State of West Bengal And Ors**

Mr. Malay Kumar Ray

... for the Petitioner

In-Person

.....for the Private Respondent

**1.** The writ application has been preferred challenging order dated nil, issued on 10.10.2025 passed by the Learned Appellate Authority under the Payment of Gratuity Act, 1972, Kolkata in Appeal No.GRA-06/24 and the Order passed by the Learned Controlling Authority dated 25.07.2024 and the Corrigendum dated 31.07.2024 in Gratuity Case No.G-135 of 2018.

**2.** Vide the impugned order the authorities concerned have been pleased to direct the payment of interest on gratuity @10% per

annum to the respondent/workman who is appearing in person today.

- 3.** Admittedly, the respondent/workman has received the maximum gratuity to which he is entitled.
- 4.** Learned Counsel for the petitioner relies upon an order dated 29.01.2019 passed in W.P.8500(W) of 2009 wherein, a co-ordinate bench of this Court directed for payment of retirement dues including gratuity, with interest at the rate of 6% per annum.
- 5.** The petitioner claims parity with the said direction of the Co-ordinate Bench.
- 6.** It is submitted that though in the present case, interest has been directed to be paid as per the Central Government rate, the petitioner prays that the interest may be calculated at the rate of 6% per annum, in view of the fact that the delay in this case was also due to the proceedings initiated against the respondent/workman for misconduct.
- 7.** Thus, on hearing the Learned Counsel for the petitioner, the respondent/workman and on perusal of the materials on record, and the history of termination of employment and reinstatement of the respondent workman and also keeping in mind the view of the co-ordinate

bench as to the rate of interest, this Court directs that the rate of interest on the gratuity be paid at the rate of 6% per annum.

8. The appellate authority shall make the necessary calculation within 30 days from the date of communication of this order and the petitioner/company shall make all endeavour to make the said payment within 15 days thereafter.
9. WPA 9507 of 2026 stands **disposed of**.
10. Applications, if any, connected thereto stand disposed of consequently.
11. Interim order, if any, stands vacated.
12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

**(Shampa Dutt (Paul), J.)**