01.10.2026
Item No.28
Ct. No. 30
g.b.

WPA 27192 of 2026

Kalpana Karmakar
Vs
Food Corporation of India & Ors.

Mr. Samiran Mandal
Mr. Nitish Samanta
Mr. Agniva Mondal
Ms. Shreyashee Mitra
... for the petitioner

Mr. Kamal Kr. Chattopadhyay
Ms. Rimi Chatterjee
... for the respondents/FCI

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondents to release @ 10% interest per annum upon the gratuity amount paid to the petitioner's husband died on 05.03.2002 for such delayed payment of gratuity to the petitioner from the date of death of the petitioner's husband till the date of actual payment of gratuity amount made by the respondents i.e. on and from 05.03.2002 to 26.11.2025.
3. The petitioner relies upon a judgment of this Court dated 23.06.2025 in WPA 7603 of 2025 and the judgment in appeal against the said order in MAT 1286 of 2025 and other connected appeals dated 09.01.2026.

4. In **WPA 7603 of 2025**, this Court on considering the case of the petitioner in its order dated 23.06.2025 therein held as follows :

> ***"21. In spite of such directions, affirmed up to the Supreme Court, the FCI has gone into prolonged litigation leading to delay in payment of gratuity.***
>
> ***22.*** *Thus in view of Section 7(3A) of the payment of gratuity act, the decision of the controlling authority in the order dated 19.01.2022 regarding the interest on gratuity being not in accordance with law is liable to be set aside* ***as the said provision does not provide for any discretion regarding grant of interest****.*
>
> ***23.*** *The petitioner has relied upon the judgment of Calcutta High Court single bench in* ***Atul Chandra Mahata vs State of West Bengal & Ors. in WP 10925(W) of 2003 decided on 27.11.2003****, wherein the Court granted interest on the delayed payment of gratuity.*
>
> ***24. The writ petition is thus allowed****.*
>
> ***25.*** *The FCI/Respondent shall pay interest at the statutory rate on and from 05.03.2002 till 26.11.2025 within 30 days from the date of communication of this order failing which, the FCI/Respondent shall be liable to pay further interest on the interest awarded @ 10% simple interest per annum till payment."*

5. **In appeal the Division Bench held as follows :**

> *"**31.** For the reasons as above, This Court is unable to find any such palpable or gross illegality in the order of the Hon'ble Single Judge as impugned in this appeal that is dated June 23, 2025 in WPA No. 7603 of 2025, to be interfered with, in this intra Court appeal. However, so far as the rate of interest as has been directed to be paid by the appellant that is, at the rate of 18% per annum is modified in terms of S.O.874 (E) dated October 1, 1987, **to be at the rate of 10%** simple interest per annum. Rest of the judgment as impugned in this appeal remains as it is."*

6. The husband of the petitioner employed since March 1989 till 05.03.2002 claims that she stands on similar footing as the petitioner in WPA 7603 of 2025 and thus prays for similar relief.

7. On hearing the parties and perusal of the materials on record, it appears that the petitioner herein is similarly placed as the petitioner in WPA 7603 of 2025 and is thus entitled to similar relief, as modified by the Division Bench in MAT 1286 of 2025 and other appeals.

8. Accordingly, the writ application being WPA 27192 of 2026 stands allowed.

9. The FCI/Respondent shall pay interest at the statutory rate on and from 05.03.2002 till 26.11.2025 within 30 days from the date of communication of this order failing which, the

FCI/Respondent shall be liable to pay further interest on the interest awarded @ 10% simple interest per annum till payment."

10. **WPA 27192 of 2026 stands disposed of**.

11. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Dutt (Paul), J.)