

January 2, 2026
Sl. No.17
Court No.1
s.biswas

WPCT 257 of 2025

Union of India and others
vs.
Chetan Chhetri

Mr. Sumitendra Dutta
Mr. Sukanta Ghosh

... for the petitioners/Union of India

Per, Sujoy Paul, A.C.J.

1. Mr. Sumitendra Dutta, learned counsel for the petitioners is heard on admission.
2. This petition filed under Article 226/227 of the Constitution of India takes exception to the judgment dated 13.05.2024 passed in O.A. 350/1488/2021 whereby the original application filed by the widow for payment of gratuity with interest was allowed by the Tribunal.
3. Learned counsel for the Railways at the outset fairly submits that he is aggrieved only to the extent, the Tribunal has granted interest on delayed payment of gratuity. Learned counsel submits that the employee retired on 28.02.2017 and government accommodation was vacated on 14.10.2019. It is submitted that since the accommodation was vacated belatedly, there was delay in releasing gratuity. In this backdrop the dependant was not entitled to get interest on delayed payment of gratuity. The delay was not solely attributable to the department. In a case of this nature where government accommodation is

vacated belatedly, the department was justified in withholding gratuity and releasing it after accommodation is being vacated.

4. On specific query from the Bench, learned counsel for the petitioners could not point out any statutory provision which permits the employer to withhold gratuity for the reason mentioned hereinabove. The pension and gratuity are not bounty. They can be withhold only in accordance with rules governing the field. In absence of showing rule which is attracted, we find no reason to disturb the finding given by the Tribunal. In the matter of ***Union of India vs. Justice S. S. Sandhawalia*** reported in **(1994) 2 SCC 240**, Supreme Court held that when delay is attributable to the government in making payment of retiral dues, interest must be paid. The Tribunal, in our view, has taken plausible view which is not shown to be contrary to any statutory provision. Thus, we find no reason to interfere. Admission is declined. Petition is **dismissed**.

(Sujoy Paul, A.C.J.)

(Biswajit Basu, J.)