

(2016) 08 CAL CK 0003
In the Calcutta High Court
Case No : Writ Petition No. 10190 (W) of 2016

Aditya Kumar Mal

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 24-08-2016

Acts Referred:

Payment of Gratuity Act, 1972 — Section 4

Citation : (2016) 3 CLR 670

Hon'ble Judges : C.S. Karnan, J.

Bench : Single Bench

Advocate : Mr. Sourav Mitra, Mr. Subhrangsu Panda, Ms. Ina Bhattacharjee, Advocates, for the Petitioner

Final Decision : Disposed Off

Judgement

C.S. Karnan, J.—The short facts of the case are as follows:

The affidavit of service filed be kept with the records.

2. The petitioner was a Primary Teacher in the concerned School under the respondents, Education Department and he retired from service with effect from 28.02.2013.

3. The learned Advocate for the petitioner submits that the respondent authorities issued Pension Payment Order (PPO) on 22.05.2014 and the gratuity amount was received on 20.08.2014. As such, respondent authorities have delayed to pay the gratuity amount.

4. The learned Advocate further submits that his client approached the respondent authorities to claim interest on the delayed payment of gratuity amount but they have not considered the same. Hence, the petitioner has filed the writ-petition seeking the relief to pay interest at the rate of 10% per annum on the gratuity amount. He further submits that his client rendered long service with the respondent authorities in the concerned school without any break and

without any adverse remark. The learned Advocate also cited two decisions, one of which reported in 2004 (1) CLJ (Atul Chandra Mahata v. State of Ors.) and another decision reported in (2008) 3 SCC 44 (S.K. Dua v. State of Haryana and Anr.).

5. The Learned Advocate further submits that as per Payment of Gratuity Act, 1972, amount has to be paid to the petitioner within a period of 45 days but the same has not been complied with. Hence, this writ petition is filed before this Court for direction upon the respondents and the Education Department to pay the interest at the rate of 10% per annum on the delayed payment of gratuity amount.

6. Learned Advocate for the State admitted that the petitioner has served the concerned school for a long period and has retired from service on the state as mentioned above. It is further submitted that the delay is not deliberate one but due to legal formalities and administrative process and as such the petitioner is not entitled to receive interest on the gratuity amount.

7. Considering the facts and circumstances of the case and the arguments advanced by the learned Advocate for both the parties, this Court is of the view that there is a delay in paying the gratuity amount. Hence, the petitioner is entitled to receive simple interest at the rate of 9% per annum on the delayed payment of gratuity amount i.e. from 01.03.2013 till the date of receipt of the gratuity amount.

8. Therefore, this Court directs the respondent authorities to pay interest for the delayed payment of gratuity amount at the rate of 9% per annum within a period of 12 weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ-petition is disposed of. However, there shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.