
(2022) 09 TP CK 0006
In the Tripura High Court
Case No : Writ Petition (C) No. 607 Of 2022

Dilip Kr. Debbarma

APPELLANT

Vs

State Of Tripura And 3 Ors

RESPONDENT

Date of Decision : 08-09-2022

Acts Referred:

Citation : (2022) 09 TP CK 0006

Hon'ble Judges : Arindam Lodh, J

Bench : Single Bench

Advocate : A Debbarma, Samarjit Bhattacharjee, P Roy Barman, D Sarma, B S Bhowmik

Final Decision : Allowed

Judgement

Arindam Lodh, J

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. B. S. Bhowmik, learned counsel appearing for respondent-Tripura Handloom and Handicrafts Development Corporation Ltd.

The case of the petitioner is that he retired from service on 31st January, 2019. At the time of retirement, he was entitled to get gratuity at the rate of Rs.20,00,000/- which was the ceiling limit after 2018 amendment of the Payment of Gratuity Act, 1972(for short, Act of 1972).

Grievance of the petitioner is that he was paid gratuity at the rate of Rs.10,00,000/- on 12.03.2019. The petitioner submitted a representation, but it was not responded to.

It is submitted by the learned counsel for the petitioner that the case of the petitioner is entirely covered by a catena of judgments of this Court and the petitioner is entitled to get gratuity at the rate of Rs.20,00,000/- with deferred payment of interest since he retired after 2018 amendment of the Act of 1972.

A learned Single Judge (A. Kureshi, C.J, as he then was) of this Court in a similar

nature of case being WP(C) No. 1054 of 2019 titled as Sri Bhupati Debnath Vs. State of Tripura and 2 Ors, had passed the following directions:

"13. Under the circumstances, petition is disposed of with following directions:

- (i) As provided earlier, the petitioner shall apply to the respondent No.2 stating his calculation of payable gratuity. The respondent No.2 shall examine the petitioner's calculation and convey to him if any gratuity remains still payable;
- (ii) While calculating such gratuity, revised limit of Rs.20,00,000(rupees twenty lakhs) shall be applicable;
- (iii) If there is any shortfall in payment of gratuity, the same shall be paid within a period of 4(four) months from today with simple interest @7.5% per annum from one month after the date of superannuation till actual payments;
- (iv) The remaining amount of leave encashment shall be released within a period of 4(four) months from today. The entire leave encashment payment shall carry simple interest @7.5% per annum from one month after the date of retirement till actual payments;
- (v) The gratuity already paid shall also carry simple interest @7.5% per annum from one month after the date of retirement till actual payments."

In view of this, I direct the respondents no. 2 and 3 to recalculate the amount of gratuity considering the ceiling limit of gratuity at the rate of Rs.20,00,000/- with 7.5% interest per annum within a period of 4 (four) months from today.

With the aforesaid observations and directions, the instant writ petition stands allowed and disposed.