

Constitutional Writ (NWR)

Present : The Hon'ble Mr Justice Jayanta Kumar Biswas

Judgment on : March 16, 2010

W.P.No.1485(W) of 2009

Choudhuri Mahato

-vs-

The State of West Bengal & Ors.

POINTS:

Belated payment of gratuity-----Petitioner whether can claim interest from the Respondent for such belated payment----Service Law.

FACTS:

Since a large number of persons are filing Article 226 petitions before this court claiming interest for belated payment of gratuity, the Court requested Mr. Advocate General to appear and tell what is the stand of the government.

Mr. Advocate General submitted that the government has accepted a large number of orders previously made by this court directing the state to pay interest at the rate of 10 per cent per annum from the date of retirement of the person claiming interest for belated payment of gratuity till the date of actual payment of the amount. Mr. Advocate General has said that the state will accept a similar order made at the admission stage disposing of the petition.

HELD:

The court disposed of the petition directing the respondents, especially the state, to pay the petitioner interest on gratuity at the rate of 10 per cent per annum from the date of retirement or death, as the case may be, of the person concerned till the date of actual payment of the amount.

PARA-4

Mr. Sourav Mitrafor the petitioner

Ms. Nilima Dasfor the state

The Court:

1.The petitioner is claiming interest for belated payment of gratuity.

2. Since a large number of persons are filing art.226 petitions before this court claiming interest for belated payment of gratuity, I requested Mr Advocate General to appear before me and tell me what is the stand of the government.

3. Mr Advocate General has appeared before me and submitted that the government has accepted a large number of orders previously made by this court directing the state to pay interest at the rate of 10 per cent per annum from the date of retirement of the person claiming interest for belated payment of gratuity till the date of actual payment of the amount. Mr Advocate General has said that the state will accept a similar order made at the admission stage disposing of the petition.

4. In view of the above-noted situation, I dispose of this petition directing the respondents, especially the state, to pay the petitioner interest on gratuity at the rate of 10 per cent per annum from the date of retirement or death, as the case may be, of the person concerned till the date of actual payment of the amount. Payment in terms of this order shall be made within four weeks from the date of communication of this order.

5. No costs. Certified xerox according to law.

(Jayanta Kumar Biswas, J)

sb