

21.12.2023
Court No. 13
Item No. 9
AP

WPA 26827 of 2023

**American Balmiki
Vs.
The Durgapur Projects Limited and Ors.**

Mr. Amit Kumar Ghosh

...For the petitioner.

Mr. Anuran Samanta
Ms. Nabanita Chatterjee

...For the DPL.

1. Leave is granted to the Advocate-on-record of the petitioner to correct the cause title.
2. Affidavit-of-service filed in Court today be taken on record.
3. The petitioner superannuated from service on 31st May, 2023. Two of his terminal benefits, namely, leave encashment for 218.5 days and the principal amount of gratuity of Rs.7,35,417/- have not been paid till date.
4. Counsel for the Durgapur Projects Limited has stated that they are in deep financial crisis and have been taken over by the West Bengal State Electricity Distribution Company Limited.
5. It is well settled that delayed payment of terminal benefits creates severe and drastic financial difficulties for an employee as he has no income. It, therefore, should automatically attract interest.
6. In those circumstances, the gratuity and leave encashment amount shall be paid to the petitioner with six per cent interest mandatorily and

positively within a period of two months from date. In default of payment within two months as indicated hereinabove, the rate of interest shall stand increased to ten per cent.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)