

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das

Case No – **OA 1104 OF 2014**

**Nirmalendu Mahapatra** Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
13 <hr/> 11.06.2018	<p><b>For the Applicant</b> : Mr. G.K. Maity, Learned Advocate.</p> <p><b>For the Respondents</b> : None.</p> <p><b>For the AG (A&amp;E),WB</b> : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant was Accountant in the Treasury at Kakdwip. He retired on August 31, 2010 while he was working under respondent no. 4, Sub-Divisional Officer, Kakdwip in the district of South 24-Parganas. The contention of the applicant is that he received amount of Gratuity to the tune of Rs.4,48,075/- after deduction of Rs.18,809/- as amount of overdrawal during the period of service of the applicant. The grievance of the applicant is that he was not given the full amount of Gratuity and he was deprived of the interest on the amount of Gratuity for the period from August 31, 2010 till December 31, 2015 when the amount was actually deposited in the Bank Account of the applicant.</p> <p>Learned Counsel for the applicant has not pressed for refund of the amount of Rs.18,809/- which was deducted from the amount of Gratuity due to overdrawal during the period of service of the applicant. Learned Counsel has only prayed for release of the amount of interest on the Gratuity for the period from</p>	

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the date of retirement till the actual date of payment of the Gratuity.

None appears on behalf of the state respondents. Mr. Mitra, the authorized representative of the AG (A&E), West Bengal submits that AG has no role to play with regard to the interest on the amount of Gratuity.

The question for consideration of the Tribunal is whether the applicant is entitled to get interest on the amount of Gratuity. By virtue of Memorandum No. 9112-F dated September 24, 1979 issued by the Secretary to the Government of West Bengal, Finance Department, Audit Branch read with letter No. 2196-F (PEN) dated December 09, 1991 issued by the Deputy Secretary, Finance Department, Audit Branch, the applicant is entitled to get interest on Gratuity at the rate of 5 per cent per annum for the period beyond three months when the gratuity becomes due till the end of the preceding month on which payment was actually made, if there was no lapse on the part of the applicant. In the instant case, there is nothing on record to indicate that there was any lapse on the part of the applicant and as such, the delay cannot be attributed to the conduct of the applicant. So, the applicant is entitled to get interest on the amount of gratuity as observed hereinabove.

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In view of our above findings, the respondent no. 4, Sub-Divisional Officer, Kakdwip is directed to make payment of interest to the applicant @5% per annum on the amount of Rs.4,48,075/- for the period from December 1, 2010 to November 30, 2015 within a period of 12 (twelve) weeks from the date of communication of the order.

With the above direction, the original application is **disposed of**.

Let a plain copy of this order be supplied to both parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib