

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 539 OF 2014**

Bidyut Kumar Barik 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
05 19.03.2018	<p>For the Applicant : Mr. A. Bose, Learned Advocate.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to release the amount of gratuity and leave encashment and interest on the amount of gratuity @ 10% per annum during the period from which the gratuity was due till the date of payment of gratuity.</p> <p>The applicant retired on December 31, 2007 from the post of Assistant Agriculture Extension Officer while he was working under respondent no. 5, Block Development Officer, Bhagwanpur-II Development Block in the district of Purba Medinipur.</p> <p>The Learned Counsel representing the applicant submits that the applicant has already received the amount of gratuity and leave encashment, but no interest is paid on the amount of gratuity, in spite of delay in payment of gratuity for a period of about 6 years.</p> <p>Learned Counsel representing the state respondents submits that the concerned respondent will pay the interest on the amount of gratuity and the matter is under process.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant retired from service on December 31, 2007. By virtue of Memo. No. 9112-F dated September 24, 1979 issued by the Secretary to the Government of West Bengal, Finance Department (Audit Branch) read with letter dated December 9, 1990 issued by the Deputy Secretary,</p>	

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Department of Finance, Audit Branch, Government of West Bengal, the applicant is entitled to interest @ 5% per annum on the amount of gratuity for the period after 3 (three) months from the date when the amount of gratuity was payable till the end of the month preceding the month in which the payment was actually made, if the delay is not attributed to the conduct of the applicant. Nothing is on record to indicate that the delay can be attributed to the conduct of the applicant. Since the applicant retired on December 31, 2007, the amount of gratuity was payable on January 1, 2008, the interest is to be calculated on the amount of gratuity for the period from April 1, 2008 to November 30, 2014, as the amount of gratuity was actually paid on December 29, 2014.

In view of our above findings, the respondent no. 5, Block Development Officer, Bhagwanpur-II Development Block in the district of Purba Medinipur is directed to make payment of interest @ 5% per annum on the amount of gratuity of Rs.2,64,330/- for the period from April 1, 2008 to November 30, 2014 within a period of 12 (twelve) weeks from the date of communication of this 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