

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 220 OF 2016

CHANCHAL KUMAR DUTTA 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
<p style="text-align: center;">25</p> <hr/> <p>10.08.2018</p>	<p>For the Applicant : Mr. M.N. Ray Advocate</p> <p>For the Respondents : Mrs. S. Agarwal Advocate</p> <p>In this application the applicant, who was a “Professor” in the Department of Mechanical Engineer, in the Jalpaiguri Government Engineering College from 28th February, 1991 till 27th June, 1998, has prayed for a direction upon the respondents to disburse gratuity for the said period of service that is about seven years and four months. It is submitted that after serving the said period, he left the college on 27th June, 1998 to join Delhi College of Engineering after obtaining necessary permission and after complying all formalities.</p> <p>Submission is that though after filing of this application gratuity amounting to Rs. 1,58,435/- (Rupees one lakh fifty eight thousand four hundred and thirty five only) has been disbursed in July, 2016, however, no interest has been paid. Submission is that though it is evident from the letter dated 16th August 2014 issued by the Assistant Secretary, Finance Department, Government</p>	

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SCN.	<p>of West Bengal that he was entitled to gratuity for the said period, no interest has been paid on the delayed payment of gratuity. Prayer is interest may be granted. On our query it is submitted that the applicant has received the gratuity amount on 10th June, 2016.</p> <p>Mrs. Sunita Agarwal, learned advocate for the State respondent submits that the delay in payment of gratuity was caused while complying the necessary formalities.</p> <p>In our view since there were no laches on the part of the applicant and as admittedly he was entitled to gratuity for the period from 28th February, 1991 till 27th June, 1998, he is entitled to interest. Therefore, the Principal, Jalpaiguri Government Engineering College, P.O., P.S. & District Jalpaiguri, respondent No. 3 is directed to grant interest @8% per annum on the said amount of Rs. 1,58,435/- (Rupees one lakh fifty eight thousand four hundred and thirty five only) for the period from 1st October, 1998 till 31st May, 2016 within ten weeks from the date of presenting a copy of this order. With this direction the application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	