

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No –OA 1017 OF 2013

Swapna Datta 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>19</p> <hr/> <p>09.08.2018</p>	<p>For the Applicant : Mr. M. Bhattacharya, Learned Advocate.</p> <p>For the State Respondents : None.</p> <p>For the A.G., W.B. : Mr. B. Mitra, Departmental Representatives.</p> <p>The applicant has prayed for direction upon the respondents to grant her interest on the amount of gratuity and leave encashment payable to her.</p> <p>The contention of the applicant is that her husband – Arun Kumar Datta died on June 12, 2010 while he was working as Demonstrator in the Department of Thermochemistry in the Institute of Post Graduate Medical Education and Research (in short IPGMER). The further contention of the applicant is that she has received Rs. 6,00,000/- as gratuity on October 9, 2012 and Rs.8,18,020/- as the amount of leave encashment on December 14, 2012. It is also contended on behalf of the applicant that the delay in payment of gratuity and leave encashment cannot be attributed to the conduct of deceased husband of the applicant.</p>	

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	<p>Mr. Mitra, the Departmental Representative of Respondent A.G., W.B., submits that the final order for disbursement of pension was received by the said respondent only in the year 2012 due to dispute in fixation of pay of the deceased husband of the applicant.. The delay in payment of gratuity and leave encashment cannot be attributed to the conduct of the deceased husband of the applicant, even if there was dispute in fixation of pay. So, the applicant is entitled to get interest on delayed payment of gratuity and the amount of leave encashment.</p> <p>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 9, 1991 issued by the Deputy Secretary, Finance Department, Audit Branch, Government of West Bengal, the applicant is entitled to get interest on delayed payment of gratuity for the period beyond 3 months when the gratuity becomes due till the end of the preceeding month on which payment was actually made, if there was no lapse on the part of the applicant. On consideration of rate of interest payable on the amount deposited in Public Provident Fund or General Provident Fund and rate of interest paid on long term fixed deposit by the nationalised bank, we are of the view that interest should be paid @8% p.a.</p> <p>In view of our above findings, the Respondent no. 4, Director of IPGMER is directed to make payment of interest to the applicant</p>	

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Rajib	<p>@8% p.a. on the amount of Rs.6,00,000/- (amount of gratuity) during the period from October 1, 2010 to September 30, 2010 and on the amount of Rs.8,18,020/- (amount of leave encashment) for the period from October 1, 2010 to November 30, 2012 within a period of 12 weeks from the date of communication of this order.</p> <p>With the above direction, the application is disposed of.</p> <p>Let urgent Xerox certified copy of the order, if applied for, be supplied to the parties on priority basis after completion of all necessary formalities.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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