

19.09.2025
Court No.13
Item Nos. 19
sp

MAT 1700 of 2019

With

CAN 3 of 2025

With

CAN 4 of 2025

The Administrator, Berhampore Municipality
& Sub Divisional Officer & Anr.

Vs.

Biva Hazra @ Bibha Hazra & Ors.

Mr. Arindam Das,
Ms. Dibyanjona Das.

.

.... For the appellants.

Mr. Jahar Dutta,
Mr. Bipin Ghosh.

...For the State.

Mr. Lalratan Mondal.

.... For the writ petitioners/respondents.

Re: CAN 4 of 2025

1. CAN 4 of 2025 has been filed seeking condonation of delay in filing CAN 3 of 2025.
2. Sufficient grounds are available to indicate the delay in filing CAN 4 of 2025.
3. Hence, the delay is condoned.
4. Accordingly, CAN 4 of 2025 is allowed and disposed of.

Re: CAN 3 of 2025

5. Sufficient grounds have been made out explaining the absence of the appellant and/or its officers on 10.02.2025.

6. Hence, the appeal is restored to its original file and number and shall be taken up for hearing.

7. CAN 3 of 2025 is allowed and disposed of.

Re: MAT 1700 of 2019

8. The instant intra court appeal is directed against several orders passed in the writ petitions filed by the employees of Berhampore Municipality seeking gratuity upon their retirement.

9. The contention of the Berhampore Municipality was that there are in a shortage of funds.

10. In a situation of shortage of funds, the Municipality concerned can either approach the State Government for funds or apply for loan from it.

11. It is submitted by the Counsel for the appellant/Municipality that an arrangement was reached through the good office of the then Advocate General of the State that since several crores of rupees remaining outstanding towards Municipal Tax to be collected by the Berhampore Municipality and paid to the State, such collection should be used for the purpose of Payment of

Gratuity to the writ petitioners/retired employees of the Municipality.

12. It is now well settled that any delay in payment of gratuity beyond a period of 30 days from retirement would attract interest. Several Benches of this Court has ordered interest at various rates.

13. This Court is of the view that the delayed Payment of Gratuity to each of the employee would attract interest at the rate of 8% per annum uniformly.

14. It is expected that all the gratuity dues of all the retired employees, who have filed writ petitions from which the aforesaid appeals have been carried, must be paid their gratuity dues with interest as directed hereinabove within a period of ten months from date mandatorily and positively. In default, the rate of interest shall stand increased to 11% per annum.

15. In the event, the revenues from the property tax collected by Berhampore Municipality are insufficient to meet the gratuity dues of the writ petitioners/retired employees, the Secretary, Finance of the State of West Bengal shall extend necessary funds to the Berhampore Municipality to comply with the directions contained hereinabove.

16. The Registrar General of this Court shall send a copy of this order to the Principal Secretary, Finance of the Government of West Bengal, for release of funds to the Municipality to pay the aforesaid amounts of gratuity together with interest.

17. With the aforesaid directions, the instant appeal shall stand disposed of.

18. There will be no order as to costs.

19. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)