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W.P.A. 24245 of 2018
(IA NO: CAN 1/2020 (Old No: CAN 2682/20)
(Through Video Conference)

Rabindra Kumar Sharma

-vs-

The State Trading Corporation of India Ltd. & Ors.

Mr. Soumya Majumder,
Mr. Victor Chatterjee

....for the petitioner.

Mr. Amitabh Shukla

....for the respondent.

The application being CAN 1/2020(Old No: CAN 2682/20) is taken up for hearing in presence of Mr. Majumder, learned advocate representing the petitioner and Mr. Shukla, learned advocate appears for the State Trading Corporation of India Ltd. being the main contesting respondent.

In the application as it has been submitted by Mr. Majumder that the applicant has prayed for interest on gratuity which has been released in his favour and for release of employer's share of LIC Pension under the scheme with interest pending final hearing of the writ petition. In support of such submission, Mr. Majumder has drawn attention of this Court to the order passed by a coordinate Bench at the time of hearing of the writ petition at the motion stage on 13th December, 2018 while the coordinate Bench admitting the writ petition by

giving direction for filing affidavits also directed the concerned respondent authorities to release all admissible retiral dues in favour of the applicant. It is fairly submitted by Mr. Majumder that in terms of the said order dated 13th December, 2018 gratuity was paid to the petitioner on 12th February, 2019 therefore the applicant is entitled to get interest on gratuity from 28th April, 2017 to 12th February 2019.

Mr. Shukla, learned advocate appearing for the State Trading Corporation of India Limited has opposed the prayer made on behalf of the applicant and submits that whatever admissible amount was payable in terms of the order dated 13th December, 2018 passed by the coordinate Bench on the connected writ petition has been released.

This Court has considered the rival submissions made on behalf of the parties to this application and it is found that since the admissible amount according to the calculation of the State Trading Corporation of India Limited has been released in favour of the applicant during pendency of the connected writ petition the prayer made in this application by the applicant cannot be allowed. However, this order is being passed without prejudice to the rights and contentions of

the parties in the pending writ petition and applicant shall be at liberty to take all points including the payment of interest on gratuity as well as employer's share of LIC Pension under the scheme at the time of final hearing of the writ petition.

With the above direction, the application being CAN 1/2020(Old No: CAN 2682/20) stands disposed of.

(Saugata Bhattacharyya, J.)