

10.12.2025

Item Nos. 05

Crt.No.10

b.r.

WPA 25286 of 2025

Md. Jamaluddin Khan

-vs-

Food Corporation of India & Ors.

Mr. Kisor Ray

.... For the petitioner.

Mr. Devajyoto Barman

Ms. Sanjukta Basu Mallick

... for the Respondents.

Parties are represented through their respective learned counsels.

Affidavit of service filed in Court today is taken on record.

The main grievance of the petitioner is with regard to the delayed payment of gratuity despite being superannuated on 31.03.2023.

The petitioner is an ex-Piker of Food Corporation of India (FCI). He was superannuated from his service as a category -IV of FCI on 31.03.2023 pursuant to an office order dated 22.02.2021. The petitioner was posted at Kalyani Depot under Divisional Office (Nadia) at the time of superannuation.

Learned counsel for the petitioner submits that the respondent no.1- FCI had paid his gratuity amount to the tune of Rs. 13,46,120/- on 18.05.2023 with a delay of 1 month 17 days and the differential gratuity

amount of Rs. 40,466/- was paid on 03.05.2024, giving rise to a total delay of 13 months 3 days.

It is also submitted that as per Section 7 sub-Section 3A of the Payment of Gratuity Act, 1972 (hereinafter referred to as the act) contemplates that if the gratuity is not paid within 30 days from the date it became payable, the employer is liable to pay simple interest the rate notified by the Central Government from the date the gratuity becomes payable till the date of actual payment.

Learned counsel for the petitioner relies upon Paragraph 24 of an order dated 24.09.2024 passed by the Hon'ble Division Bench of this Court in MAT 2397 of 2023 (Food Corporation of India –vs- Union of India & Ors.), which is reproduced below:-

“ 24. The workman shall be entitled to gratuity as per the applicable rules together with interest @ 10% per annum from the date of superannuation till the date of actual payment”.

Learned counsel for the respondents prays for filing a report in the form of affidavit to bring on record the calculation of the interest to be paid on delayed payment of gratuity which was paid in two phases.

Learned counsel for the petitioner is also directed to come up with his own calculation in order to corroborate the same with the calculation of the

respondent to ascertain whether any money is still due and payable by the respondents.

The matter shall appear in the Combined Monthly List of February, 2026.

(Smita Das De, J.)