



Serial No.17 & 18
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 93 of 2020 with
WP(C). No. 322 of 2020

Date of Order :01.08.2023

Shri. Biswamitra Koch Vs. Garo Hills Autonomous District Council
 & Ors.

Saymonglal Mann Vs. Garo Hills Autonomous District Council
 & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S.A.Sheikh, Adv.

For the Respondent(s) : Mr. S.Dey, SC
 Mr. P.N.Swer, Adv.

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT & ORDER (ORAL)

1. These two matters being similarly situated which are with regard to the release of gratuity and leave salary of the petitioners are being disposed of by this common judgment.



2. The petitioners in these writ petitions have been duly sanctioned the gratuity amounts but still maintain a grievance with regard to the delay in the release of the same, which learned counsel has submitted is for a period of over 4 years from the date when the payment of gratuity was due.

3. Mr. S.A.Sheikh, learned counsel for the petitioners has submitted that the non-grant of the gratuity in time by the respondents is in violation of the statutory provisions of the payment of Gratuity Act, 1972, and such a right cannot be denied by the respondents. He therefore prays that the interest on the delay payment of gratuity be awarded by this Court @ 6%.

4. Mr. S.Dey, learned counsel for the respondents has put up the same argument that the respondents are in dire financial straits, and in fact cannot even discharge the burden of paying the salaries of the serving employees regularly. He prays that if any interest be levied, the same be at the current rate of interest of the Savings Bank account in the State Bank of India which is between 2.7 % to 3 %.

5. This Court has considered the prayers and submissions of the learned counsel for the parties and notes that the claim for interest is also a statutory right which cannot be denied, and non-awarding of interest will amount to a violation of the statutory provisions. But however, keeping in view the financial health of the respondents, this Court in line with a Division Bench judgment dated 18-03-2019 passed in WA. No. 34 of



2017, thereby directs the respondents to pay simple interest @ 6% per annum from the date the amount of gratuity had become due till the date of payment of the same.

6. With the above directions, these matters stand closed and disposed of. It is further clarified that in WP(C). No. 93 of 2020, the claim of the writ petitioner is only for interest on the gratuity amount, whereas in WP(C). No. 322 of 2020, the claim of interest is for the gratuity and leave salary.

Meghalaya
01.08.2023
"Samantha PS"

Judge

