

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.340 of 2024

- 1. Shri Shantu Debnath**
S/O Late Sajal Debnath.
- 2. Smt. Krishna Debnath Acharjee**
D/o Late Sajal Debnath.

Both are residing Jogendranagar,
P.O. Jogendranagar, P.S. East Agartala,
Agartala, Dist:- West Tripura,
Pin: 799004.

----- Petitioners

Versus

- 1. The General Manager – OPR Central Office,**
Central Bank of India
Mumbai Main Office Building, Second Floor
M. G. Road, Fort
Mumbai-400023
- 2. The Central Bank of India**
Employees Gratuity Fund Office,
Corporate Office of Central Bank of India,
Chandermukhi, Nariman Point
Mumbai-400021
- 3. The Senior Manager**
Central Bank Building, 3rd Floor
Regional office of Central Bank of India
G.S. Road, Bhangagarh
Guwahati- 781005
- 4. The Branch Manager** सत्यमेव जयते
Central Bank of India
Lichu Bagan Branch
VIP Road, Agartala
West Tripura-799009

----- Respondents

For Petitioner(s) : Ms. R. Majumder, Adv.

For Respondent(s) : Mr. P. R. Paul, Adv.

Date of hearing : 13.12.2024

Date of delivery of
Judgment & Order : 18.12.2024

Whether fit for
reporting : NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Ms. R. Majumder appearing for the petitioners and also heard Learned Counsel, Mr. P. R. Paul appearing on behalf of the respondents.

2. Taking part in the hearing, Learned Counsel appearing on behalf of the petitioners drawn the attention of this Court that the father of the petitioners Sajal Debnath (since dead) was a sub-staff of the Central Bank of India, Lichubagan (Barkathal) Branch, Agartala, Employee No.91598 (Annexure-1) who expired on 14.03.2005 leaving behind the petitioners along with their mother Khuku Mani Debnath @ Khuku i.e. wife of the deceased employee and the grand-mother of the petitioners as his heirs and the Agartala Municipal Council, West Tripura issued Death Certificate of the deceased father of the petitioners on 24.03.2005 (Annexure-2).

3. After the death of the father of the petitioners, the concerned bank had given pension to their mother i.e. the wife of the deceased employee as guardian of the family but on 07.03.2012, the mother of the petitioners also expired leaving behind the petitioners as her legal heirs and accordingly the Agartala Municipal Council issued Death Certificate of the mother of the petitioners on 26.03.2012 (Annexure-3).

4. Thereafter, the petitioners applied for survival certificate to the SDM, Sadar, West Tripura and accordingly,

they got survival certificate from the SDM, Sadar, West Tripura on 20.04.2013(Annexure-4) which was submitted to the Lichubagan Branch and thereafter, the petitioner No.1 was drawing pension being a minor son.

5. On 26.06.2014, the petitioners jointly made an application to the Respondent No.3 i.e. the Regional Manager, Central Bank of India, Regional Officer, G.S. Road, Bhangagarh, Guwahati for releasing the gratuity amount and other service benefits of their deceased father Sajal Debnath (Annexure-5).

6. After that, on 25.05.2017, the petitioners again made joint application to the respondent No.3 for releasing the gratuity amount of their deceased father and it was informed that all the necessary documents in this connection were submitted by them to the Bank but no response was given (Annexure-7).

7. Further, on 18.01.2018, petitioners again made joint application to the respondent No.3 for releasing of the gratuity amount and other service benefits of their deceased father but the respondent No.3 did not release any gratuity amount nor released any service benefit to the petitioners (Annexure-8).

8. It was further submitted that as no action was taken, the petitioners further made joint application to the respondent No.4 for releasing of the service benefit of the deceased father which was received by the said respondent on 07.08.2023 (Annexure-9).

9. Thereafter, the petitioners submitted indemnity bond on 24.08.2023 after duly signed for releasing of the gratuity amount to the respondent No.2 but inspite of that also, no action was taken (Annexure-10). Finding no other alternative way, the petitioner served legal notice to the respondents (Annexure-11). Thereafter, further communication was made by the petitioners to the respondent-authority for releasing of the said amount (Annexure-12) but inspite of series of communication, no action was taken.

10. Later on, on 17.02.2024, the respondent Nos.1 to 4 called upon the petitioners over telephone and asked them to submit some documents and accordingly, they submitted the relevant documents (Annexure-13).

But as the respondent-authority inspite of receipt of documents did not take any action so finally the petitioners have filed this petition for directing the respondents to release the benefits as prayed for.

11. The respondent-bank filed counter affidavit and in para Nos. 23, 24 and 25, they have submitted as under:

"23. That, the respondents are agree for releasing the gratuity amount, but when the respondent inform the petitioners to fulfill required, legal formalities as per Banking Rule and procedure, the petitioners were unable to submit all the required documents and the respondent No.4 also inform the petitioners for submit all relevant documents but they could not provide.

24. That, after a long time the petitioners provide the relevant document, in this regard the respondents ensure that they are releasing the amount payable after considering all legal formalities as per Banking Rule.

25. That, after considering the age of majority of the deceased father of the petitioners and calculating the actual gratuity amounting

Rs.58,188/- (Fifty Eight Thousand One Hundred Eighty Eight) only as per Banking Rule of gratuity for the petitioners."

12. Taking part in the hearing, Learned Counsel for the respondents submitted that the respondent-Bank has already released an amount of Rs.58,188/- as per calculation sheet (Annexure-1) submitted by them before the Court furnishing copy to the other side at the time of filing counter affidavit and after releasing of that amount, nothing is left to the respondents for releasing any further amount. So, Learned Counsel urged for dismissal of the writ petition.

13. In course of hearing of argument, Learned Counsel for the petitioners relied upon few citations. In **F.R. Jesuratnam Vs. Union of India** reported in **1990(Supp) SCC 640**, wherein in para No.2 Hon'ble the Apex Court observed as under:

"2. We are of the view that gratuity is no longer a bounty but it is a matter of right of the employee and it can therefore no longer be regarded as a provision in the discretion of the President as provided in the Pension Regulations. Since there is no legal provision empowering the authorities to forfeit the gratuity payable to an employee, the order passed by the Government forfeiting the gratuity payable to the appellant must be held to be bad and must be set aside. We accordingly set aside the order of the High Court as also the Order of the Government forfeiting the gratuity of the appellant and direct that gratuity shall be paid to the appellant forthwith. There will be no order as to costs of the appeal. The appeal is disposed of in these terms."

Referring the same, Learned Counsel urged for directing the respondent-bank to release all the service benefits of the deceased father of the petitioners.

14. Learned Counsel further referred another citation reported in **(2014) 8 SCC 894 [D.D. Tewari(Dead) through**

Legal Representatives Vs. Uttar Haryana Bijli Vitran Nigam

Limited and others] wherein in para No.8, Hon'ble the Apex Court observed as under:

"8. For the reasons stated above, we award interest at the rate of 9% on the delayed payment of pension and gratuity amount from the date of entitlement till the date of actual payment. If this amount is not paid within six weeks from the date of receipt of a copy of this order, the same shall carry interest at the rate of 18% per annum from the date the amount falls due to the deceased employee. With the above directions, this appeal is allowed."

Referring the same, Learned Counsel submitted that for delayed payment, the respondents be asked to pay interest at the rate of 9% per annum on the calculated amount but the respondent-authority at the time of calculation did not consider the rate of interest as directed by the Hon'ble Supreme Court of India in the aforenoted case and urged for issuing necessary direction upon the respondents.

15. I have heard both the sides at length and perused the petition and the counter affidavit filed by the respondent-bank authority. There is no dispute on record that the deceased Sajal Debnath was a sub-staff of the Central Bank of India, Lichubagan (Barkathal) Branch, Agartala who in course of his employment expired on 14.03.2005 leaving behind the petitioners, wife (deceased) and mother as his only legal heirs. The family pension was given to the widow (deceased) of the deceased employee and the minor petitioner No.1. Since the respondent-bank authority has already released an amount of Rs.58,188/- in favour of the petitioners towards gratuity of the deceased employee and from the statement submitted by the respondent-

bank, it is not clear as to whether the said amount involves rate of interest or not and further the petitioners also could not show any exact amount due from the respondent-bank, so, this writ petition is disposed of with a direction to the respondent-bank authority also to release 9% interest per annum towards retirement gratuity to the petitioners from the date of entitlement to the date of actual payment, if the same is not released, within a period of 6(six) weeks from the date of passing of this judgment.

With this observation, this writ petition is disposed of.

Pending applications(s), if any, also stands disposed of.

JUDGE

