

ITEM NO.6

Court 4 (Video Conferencing)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.4468/2022

(Arising out of impugned final judgment and order dated 18-11-2021 in WA No.322/2019 passed by the High Court Of Orissa at Cuttack)

GAGAN BIHARI PRUSTY

Petitioner(s)

VERSUS

PARADIP PORT TRUST & ORS.

Respondent(s)

(FOR I.R.)

Date : 21-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Ms. Madhusmita Bora, AOR
Mr. Dipankar Singh, Adv.
Mr. B.D. Vivek, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Ms Madhusmita Bora, counsel appearing on behalf of the petitioner submits that:

(i) Following the amendment to Section 7 of the Payment of Gratuity Act

1972 by the insertion of sub-section 3(a), simple interest became liable to be paid for the delay in disbursing gratuity;

(ii) A notification has been issued by the Union Ministry of Labour on 1 October 1987 (Annexure P-1) by which the rate of interest has been prescribed at 10% per annum; and

(iii) Hence, the Single Judge erred in reducing the interest payable to the petitioner on the delayed payment of gratuity from 10% to 6% per annum.

2 Issue notice, returnable in 12 weeks.

3 Dasti, in addition, is permitted.

4 Counter affidavit be filed within a period of six weeks from the date of service of the notice.

5 List the Special Leave Petition for final disposal.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master