

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7102 of 2026

Durga Prasad Pati
Versus
The State of West Bengal & Ors.

Mr. Aswini Kumar Bera
Mr. Arijit Bera

... For the petitioner

Mr. Rajdeep Mantha
Mr. Mainak Biswas

... For the State

Mr. Mrinal Kanti Ghosh
Ms. Bipasha Bhattacharya

...For the Municipality

1. Affidavit of service filed in Court today is retained with the record.

2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to disburse the balance arrear pension from July to November 2025 for five months amounting to Rs.67,550/- as also for the interest on delayed payment of gratuity.

3. Learned advocate appearing for the petitioner would contend that the petitioner had joined the post of clerk under Kharagpur Municipality on 1st April 2000 and after 24 years of continuous satisfactory service had retired on 30th June 2024. Following the above, Pension Payment Order was issued on 27th December 2024. The petitioner contends that after issuance of the Pension Payment Order, ad hoc pension amounting to Rs.50,950/- was paid on 16th December 2024 for five months.

4. According to the petitioner, the petitioner is

entitled to a further sum of Rs.67,550/-. This apart, the gratuity was also credited to the petitioner's account on 16th January 2025. According to him, the gratuity ought to have been disbursed immediately on his retirement and as such, he insists for disbursement of interest in his favour.

5. The municipality is represented. By placing before this Court a copy of a document captioned final bill for payment of 60 per cent of arrear pension in favour of the petitioner, it is submitted that the municipality has already disbursed the same to the extent of its share. According to him, since the Pension Payment Order was issued on 27th December 2024, gratuity was disbursed on the following month. As such, there is no delay in making payment thereof.

6. The State is represented. He submits that he is yet to receive instruction in this matter.

7. Having heard the learned advocates appearing for the respective parties, I find that it is not in dispute that the Pension Payment Order has already been issued in favour of the petitioner on 27th December 2024. As per the Pension Payment Order, the gross retirement gratuity is Rs.6,48,432/-. Though, the entire amount has been disbursed in favour of the petitioner, on this score, I find that as correctly pointed out by the petitioner, gratuity was payable immediately on retirement. There appears to some delay in issuance of the Pension Payment Order though, the delay in payment thereafter is only marginal.

8. Having regard thereto, I am of the view that justice will be sub served if the respondents are directed to pay interest at the rate of 6 per cent on account of delayed payment of gratuity. Insofar as payment of arrear pension is concerned, I am of the view that the arrear pension to the extent and if at all, the same has not been disbursed, must be disbursed unto and in favour of the petitioner by the respondents within a period of 4 weeks from date along with computation sheet.

9. With the above observations and directions, the writ petition is disposed of.

10. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)