

17.06.2022
Sl. No.108
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8489 of 2021

Gandhi Bagdi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Susanta Pal

....for the petitioners.

Mr. Sudipto Panda,
Ms. Munmun Tewari

....for the State.

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

The petitioners were the members of National Volunteer Force. As per the Rules, their services were discontinued upon attaining the age of 60 years. In terms of a Government Order dated 15th September, 2008, they are entitled to *ex-gratia* payment. The petitioners have been paid the principal sum but much after their services were discontinued. The petitioners claim for interest for delayed payment of their *ex-gratia* amount.

The delay in making payment of the principal sum is an admitted position. Even without going into the reasons of delay, it is an accepted position that the petitioners were deprived of the benefit while the

money actually payable to the petitioners remained with the government.

Accordingly, I am of the view that some amount of interest should be paid to them by way of compensation.

Hence, I direct the respondents to pay to each of the petitioners interest at the rate of 6% per annum from the date following the date of the concerned petitioner's retirement till the actual date of payment within a period of four months from date, failing which the interest will increase to 9% per annum.

The writ petition stands disposed of accordingly.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed not to be admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Arindam Mukherjee, J.)