

28 09.01.2025  
rkd Ct.18

W.P.A. 285 of 2025

Alpana Das & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Asim Kumar Haldar,  
Mr. P. K. Neogi

....for the petitioners.

Ms. Sumitra Das

....for the State.

Affidavit-of-service filed in Court is kept  
with the record.

Legal heirs of deceased teacher who died-  
in-harness on 11<sup>th</sup> June, 2021 has approached this  
Court with the present writ petition praying for  
interest on delayed payment of gratuity. In support  
of the prayer of the petitioners reliance is placed on  
legal heir certificate dated 16<sup>th</sup> December, 2021  
issued on behalf of the District Magistrate, Howrah  
declaring both the petitioners as legal heirs of the  
deceased teacher being wife and unmarried  
daughter.

It is further submitted that after death of  
husband of petitioner no.1 in harness on 11<sup>th</sup> June,  
2021 Pension Payment Order was issued on 5<sup>th</sup>  
July, 2024 and terminal benefits including death  
gratuity were released in terms of said Pension

Payment Order. Petitioners pray for release of interest on gratuity due to delayed payment.

In view of legal heir certificate dated 16<sup>th</sup> December, 2021 which is enclosed to this writ petition at page 13 this Court does not find impediment in giving direction upon the respondent authorities to release interest in favour of the petitioners.

State respondents are represented by learned advocate.

Accordingly, the Director of Pension Provident Fund, and Group Insurance, West Bengal and the concerned Treasury Officer are directed to pay interest at the rate of **8%** per annum to the writ petitioners on gratuity from the date following the date of death of the husband of the petitioner no.1 till the date of release of gratuity, within a period of eight weeks from the date of communication of this order.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observation, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order,

if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**