

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 4287 OF 2025

SUBRATA HAZRA & OTHERS

VS.

THE STATE OF WEST BENGAL & ANOTHER

Mr. Subhankar Biswas, Adv.

...for the Petitioners

Mr. Suman Dey, Adv.

Ms. Kalpita Paul, Adv.

...for the State

1. Documents in support of putting in deficit court fees are filed today and same are taken on record.
2. There are twelve petitioners, who have jointly prayed for same benefits of interest on one-time *ex gratia* which was paid to them long after their retirement.
3. It is submitted by the learned advocate representing the petitioners that petitioners were engaged as Volunteers in National Volunteer Force (for short, 'NVF') and they retired on different dates but after their retirement they were paid one-time *ex gratia* belatedly and as such petitioners are entitled to receive interest on delayed payment of *ex gratia*.
4. Such submission made on behalf of the petitioners is opposed by Mr. Dey, learned advocate representing the State respondents to the extent that petitioner nos.9, 10 and 11 though were initially appointed as Volunteers in NVF but subsequently, were appointed

on substantive basis as Agravami in WBNVF Organization.

5. It is further submitted on behalf of the State respondents that since petitioner nos.9, 10 and 11 were engaged in different posts, at the time of their retirement they received different benefits which are not payable to retired volunteers of NVF. Therefore, petitioner nos.9, 10 and 11 are differently situated and they ought not to have joined along with rest of the petitioners claiming interest on payment of one-time *ex gratia*.
6. It is also submitted that there is suppression of material facts so far petitioner nos.9, 10 and 11 are concerned and they are not entitled to get the benefit as claimed.
7. Learned advocate representing the petitioners submits that excluding petitioner nos.9, 10 and 11 rest of the petitioners are entitled to get the benefit as claimed in this writ petition.
8. Having considered the respective submissions made on behalf of the parties, writ petition stands dismissed in respect of petitioner nos.9, 10 and 11. However, claim of other petitioners is considered by this Court as it is submitted that in spite of their

retirement they were paid *ex gratia* not within reasonable time.

9. It is indisputable that there was delay in releasing *ex gratia* in favour of rest of the petitioners conferring right upon those petitioners to get interest on such delayed payment of *ex gratia*.
10. Accordingly, concerned respondent authorities are directed to pay interest at the rate of 6 per cent *per annum* on *ex gratia* from the date following the respective dates of retirement of rest of the petitioners till the date of release of *ex gratia* within a period of eight (8) weeks from the date of communication of this order.
11. Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.
12. With the above observation, the writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)