

W.P.A. 10430 OF 2025

**CHIRASREE SAMANTA & ANOTHER
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Banshi Badan Maity, Adv.
...for the Petitioners

Mr. Sujit Chatterjee, Adv.
...for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioner no.1 is wife and petitioner no.2 is daughter of a deceased Assistant Teacher who *died-in-harness* on 27th December, 2021. After death of Assistant Teacher petitioners were sanctioned terminal benefits including death gratuity based on submission of legal heir certificate dated 21st March, 2023 issued by the competent authority. Pension payment order was issued on 17th January, 2024 thereby releasing terminal benefits including death gratuity. Death gratuity was equally divided in between the petitioners at the rate of 50 per cent each. Both the petitioners have come up with this writ petition claiming interest due to delayed payment of gratuity.
3. State respondents are represented by learned advocate today.
4. Accordingly, the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury

Officer are directed to pay interest at the rate of 8 per cent *per annum* to the writ petitioners on gratuity from the date following the date of death of Assistant Teacher till the date of release of gratuity within a period of eight (8) weeks from the date of communication of this order.

5. State respondents are directed to divide the interest proportionately to the petitioners.
6. Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.
7. With the above observation, the writ petition stands disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)