

ML-237
18.11.2025
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 15011 of 2024

**Dr. Partha Sarathi Bose
-versus
The State of West Bengal & Ors.**

**Mr. Dinendranath Chatterjee.
Mr. Prafulla Pal.
...For the Petitioner.**

**Mr. Kushal Chatterjee.
Mr. D. Chowdhury.
...For the respondent nos. 7 & 9.**

1. Photocopy of the Affidavit-of-service filed in Court today is taken on record.

2. The petitioner was an Assistant Teacher of a High School who retired from service on 31.01.2023. The grievance of the petitioner is that the gratuity amount was disbursed to the petitioner only in January, 2024. The petitioner claims interest on delayed payment of the gratuity.

3. I have heard learned counsel for the parties and considered the orders passed by this Court in similar facts.

4. It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of his attaining superannuation. Further, gratuity and pension are no more considered to be a bounty to be handed out by the State at its whim. An employee has a statutory right to receive gratuity and pension upon retirement. If payment of such gratuity and pension is delayed the retired

employee is surely entitled to get some interest for such delayed payment.

5. In the present case, it was the bounden duty of the State to disburse the gratuity amount on the due date. If it has failed to do so and has released such amount after unexplained delay, it is obliged to pay interest to the retired employee. Pension and gratuity are welfare provisions aimed at maintaining the life of a retired employee and his/her dependents. This is compensatory in nature.

6. In view of the aforesaid, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 5% per annum on the gratuity calculated on and from the due date till the date of actual payment, **provided the delay caused was not attributable to the petitioner.**

7. **The Treasury Officer shall not be obliged to pay interest if the delay was caused on account of any lapse on the part of the employee.**

8. Such payment is to be made within eight weeks from the date of communication of the certified copy of this order to the concerned authorities.

9. The concerned respondent authority is directed to take appropriate steps in accordance with law against the erring officer(s) for whose fault there has been delay in releasing the retirement benefit to the petitioner.

10. Since no affidavit in opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

11. Learned advocate representing the School opposes the prayer of interest on account of delayed payment of terminal dues. It has been submitted that the delay occurred due to the non-cooperation of the petitioner for signing documents.

12. The aforesaid allegation is however denied by the petitioner.

13. The writ petition stands disposed of.

14. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)