

30th Jan., 2026

Item no.M/L 948
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 8080 of 2024**

In the matter of :

Mira Mandal

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Chandan Dutta

....Advocate

For the State:

Mr. Asish Dutta

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The husband of the petitioner was an Assistant Teacher of a High School who retired from service on 28.02.2006. The grievance of the petitioner is that the gratuity and arrear amount was disbursed to the husband of the petitioner only on 17.11.2022. The husband of the petitioner died on 02.08.2023 The petitioner claims interest on delayed payment of the gratuity amount as also arrear pension.
3. I have heard learned counsel for the petitioner 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 and arrear pension calculated on and from the due date till the date of actual payment, provided the delay caused was not attributable to the teacher.
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 teacher.
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 has been invited, the allegations contained in the writ petition are deemed not have been admitted.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)