

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present :- Hon'ble Justice Amrita Sinha

WPA 10059 of 2025

Swapna Chakraborty & Ors.

Vs.

The State of West Bengal & Anr.

For the writ petitioners	:-	Mr. Tulshi Das Ray, Adv. Mr. Tirthankar Roy, Adv.
For State	:-	Mr. Moniruzzaman, Adv.
Heard on	:-	18.03.2026
Judgment on	:-	18.03.2026

Amrita Sinha, J.:-

1. The petitioners claim to be the heirs and legal representatives of a national volunteer who superannuated from service in the year 2011 and expired on 26th November, 2022.

2. In terms of the notification published by the Department of Civil Defence, Government of West Bengal on 15th September, 2008, the volunteers of the West Bengal National Volunteer Force were entitled to receive one-time ex-gratia on demobilization.

3. The one-time ex-gratia which ought to have been paid to the volunteer on his superannuation in the year 2011 was actually paid in the

year 2019. The volunteer accepted the same without raising any objection. After the death of the volunteer in the year 2022, his heirs and legal representatives have approached the authority by filing representation in July, 2024, praying for grant of interest on account of delayed payment of the ex-gratia amount. The same not being considered, the instant writ petition has been filed.

4. Learned advocate for the petitioners relies upon various orders passed by several Benches of this Court where direction was passed for grant of interest on account of delayed payment of the ex-gratia amount.

5. Learned advocate for the petitioners submits that similar order may be passed in the present case.

6. I have perused the documents annexed to the writ petition and the brief note forwarded by the Inspector General of Police and State Commandant, WBNVF Directorate, Kalyani, Nadia signed on 30th May, 2025.

7. It appears that the volunteer received the ex-gratia not at the time of superannuation/ demobilization in the year 2011 but long thereafter in the year 2019. Had the volunteer been aggrieved by the delayed payment of ex-gratia amount, the volunteer ought to have objected to the same and should have immediately raised a claim for grant of interest. Such is not the case at hand.

8. The volunteer enjoyed the ex-gratia payment and did not raise any demand before the authority for grant of interest till his death on 26th

November, 2022. For nearly three years that the volunteer was alive after receiving the ex-gratia, no claim was made by him for grant of interest.

9. After the death of the volunteer in the year 2022, a representation has been filed by the petitioners claiming to be the heirs and legal representatives of the deceased volunteer in July, 2024 seeking interest and the instant writ petition has been filed on 1st May, 2025, praying for direction upon the authority for grant of interest on account of delayed payment of the ex-gratia amount.

10. There is no explanation in the writ petition mentioning as to why the volunteer did not raise any demand for interest. There is also no explanation as to why the claim for grant of interest was made nearly two years after the death of the volunteer.

11. It is true that if the authority delayed in making the payment, then the principal amount ought to have been provided with some interest. In the instant case, the demand for interest was, however, not made by the recipient at all. In such a situation, it has to be taken that the volunteer waived his right to receive interest on the delayed payment of the ex-gratia amount.

12. The entitlement to receive the ex-gratia was of the volunteer and not the heirs and legal representatives of the volunteer. If the volunteer did not raise any claim/demand for interest on account of delayed payment of his legal dues, demand by the heirs and legal representatives cannot to be entertained.

13. In the absence of a demand by the beneficiary, belated claim by his heirs, cannot be entertained applying the principle of waiver. Had the volunteer made a demand for interest, then the matter would have been different.

14. The precedents relied upon by the learned advocate for the petitioners for grant of interest were passed on the prayer made by the volunteers. As, here, the volunteer did not raise any claim for interest, accordingly, the prayer of the heirs and legal representatives of the deceased volunteer, at a delayed point of time, for grant of interest cannot be allowed by the Court.

15. The writ petition fails and is hereby dismissed.

16. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)