08-01-2026
Item No.11
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.12022 of 2023
Samar Kumar Ghosh
-vs-
The State of West Bengal & Ors.

Mr. Hafizur Rahaman ...for the petitioner

Ms. Mitali Mukhrejee ...for the State

1. Affidavit of service filed in Court be taken on record.
2. The petitioner was an assistant teacher of a secondary school who retired from service on June 30, 2019. The grievance of the petitioner is that the Pension Payment Order was issued on March 9, 2022 and that the gratuity amount was disbursed to him only in March 2022. The petitioner claims interest on delayed payment of the gratuity amount.
3. I have heard the respective submissions advanced on behalf of learned counsel for the parties and considered the orders passed by this Court in similar facts.
4. It is settle law that the right of a retired employee to get his retirement 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 belated payment.

5. In the present case, it was the bounden duty of the State to disburse the gratuity and pension 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 a retired employee and his/her dependents. This is compensatory in nature.

6. In view thereof, I direct the concerned Treasury Officer to pay interest to the writ petitioner at the rate of 5% p.a. 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. Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

10. The writ petition is disposed of.

11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]