

24.02.2026
sayandeep
Sl. No. 38
Ct. No. 03

WPA 17392 of 2025

Rita Das
Vs.
The State of West Bengal & ors.

Ms. Puja Dutta

..... for the petitioner

Mr. Sirsanya Bandyopadhyay

Mr. Arka Kumar Nag

Ms. Debleena Ghosh

.... For the RGM

Mr. Shantanu Kr. Mitra

Mr. Subhadip Biswas

..... for the State

1. The present writ petition has been filed, inter alia, praying for a direction upon the respondents to make payment of gratuity along with interest on account of delayed payment. Records would reveal that the petitioner was appointed as Assistant Teacher in the municipal school and has retired from service on 30th November, 2022 after performing her duties successfully for a period of 32 years. A pension payment order has already been issued on 9th April, 2023. In terms of the pension payment order, gratuity has already been determined to the extent of Rs. 7,30,000/-. The pension payable has also been determined.
2. The grievance of the petitioner is that the petitioner has not been disbursed the gratuity which is due. The learned advocate for the municipality is present.
3. Although, the State is not represented, however, Mr. Shantanu Kumar Mitra, learned advocate who usually appears on behalf of the State is present in Court. He is

directed to appear in the matter. Let the copy of the writ petition be made over to him. Let his appointment be regularized

4. Having heard the learned advocates appearing for the respective parties and since, it appears in the instant case, the petitioner after having retired from the municipality on 30th November, 2022, the pension payment order has already been issued on 19th April, 2023, I am of the view that the respondents cannot be permitted to hold back the gratuity already determined. Ordinarily, the gratuity is payable immediately on retirement. In the instant case, despite issuance of pension payment order, the same has not been disbursed. Taking into account as aforesaid, I direct the municipality to forthwith make payment of the gratuity as mentioned in the pension payment order within a period of 4 weeks from the date of communication of this order along with simple interest at the rate of 10% per annum on the outstanding amount. The interest must be computed from the date when the petitioner had retired till such time the gratuity is actually paid. The petitioner must be favoured with a statement showing the computation of interest.
5. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)