

09.02.2026
Sl. No.17
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 17976 of 2025

**Rabindra Nath Nayek
Versus
The State of West Bengal & Ors.**

Mr. Debasish Dey

...for the Petitioner.

Ms. Susmita Biswas Chowdhury

...for the State.

1. On the prayer of the learned Advocate for the petitioner, leave is granted to correct the prayer (a) of the writ petition.
2. Affidavit-of-service filed on behalf of the petitioner is taken on record.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities for disbursement of interest on delayed payment of gratuity amount from the date following the date of retirement till the date of actual payment @ 18% per annum in favour of the petitioner.
4. The petitioner contends that he was an Assistant Teacher in Salboni Primary School under Rohini Circle within the District of Paschim Medinipur. The petitioner retired from service on superannuation on 31st March, 2011. The pension payment order under

ROPA, 2009 was issued on 30th August, 2011 in favour of the petitioner. The gratuity amount was disbursed in favour of the petitioner on 31st January, 2012. However, no interest on delayed payment of gratuity amount has been paid. Hence, this writ petition.

5. Mr. Debasis Dey, learned Advocate appearing for the petitioner submits that since there was delay in disbursement of the gratuity amount, the petitioner is entitled to interest from the date following the date of retirement of the petitioner till the date of actual payment.
6. Despite service, none appears on behalf of the State.
7. Ms. Susmita Biswas Chowdhury, learned advocate, who usually appears for the State, is requested to appear in this matter. Let her appointment be regularised by the competent authority.
8. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Ms. Susmita Biswas Chowdhury, learned advocate for the State.
9. Ms. Susmita Biswas Chowdhury, learned Advocate for the State leaves the matter to the discretion of the Court.
10. Though there is delay in making such claim, however, delay *per se* cannot defeat the valuable right of the petitioner. Relief may be granted to the writ petitioner

in spite of the delay if it does not affect the right of third parties. (See: ***Union of India vs. Tarsem Singh*** reported in ***(2008) 3 SCC 648***).

11. It is found from the contention in the writ petition that there is delay in disbursement of the gratuity amount. Hence, the petitioner is entitled to interest on the aforesaid amount.
12. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent no.4, Treasury Officer, Jhargram is directed to disburse interest @ 8% per annum on the gratuity amount in favour of the petitioner from the date following the date of retirement of the petitioner till the date of actual payment, within a period of eight weeks from the date of communication of this order.
13. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.2 Director of Pension, Provident Fund and Group Insurance and the respondent no.4, Treasury Officer, Jhargram, for necessary compliance.
14. With the aforesaid direction, the writ petition being **WPA 17976 of 2025** stands disposed of.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)