

10.02.2026
Sl. No.58(DL)
Ct. No.14
srm

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

W.P.A. No. 18885 of 2025

Lakshman Chandra Jana

Versus

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

...for the Petitioner.

Ms. Bineeta Bhattacharjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for disbursement of interest on delayed payment of revised gratuity from the date following the date of retirement till the date of actual payment @ 18% per annum.
3. The petitioner contends that he was an Assistant Teacher of Panigeria Primary School, P.O. Arjuni, District-Paschim Medinipur. The petitioner retired from service on superannuation on 31st May, 2009. The first Pension Payment Order was issued on 19th June, 2009. The revised Pension Payment Order was issued under ROPA, 2009 on 16th May, 2009. The revised gratuity as per ROPA, 2009 was disbursed to the petitioner on 27th September, 2011. However, no interest has been paid. Hence, this writ petition.

4. Mr. Krishna Pada Santra, learned Advocate for the petitioner submits that the petitioner is entitled to interest on the aforesaid amount from the date following the date of retirement till the date of actual payment. He seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Ms. Bineeta Bhattacharjee, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Ms. Bineeta Bhattacharjee be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Ms. Bhattacharjee, learned Advocate for the State respondents.
8. Ms. Bhattacharjee, learned Advocate for the State leaves the matter to the discretion of the Court.
9. 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 versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
10. From the contentions made in the writ petition, it is found that the petitioner is entitled to revised gratuity under ROPA 2009 from the date following the date of retirement till the date of actual payment. The revised gratuity amount was disbursed to the petitioner belatedly. In view of the above, the

petitioner is entitled to receive interest on revised gratuity from the date following the date of retirement till the date of actual payment.

11. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Kharagpur, Paschim Medinipur are directed to disburse the interest @ 8% per annum on the revised gratuity from the date following the date of retirement till the date of actual payment in favour of the petitioner within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioner is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Kharagpur, Paschim Medinipur, for necessary compliance.
13. With the above direction, the writ petition being **WPA 18885 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.

18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)