

10.02.2026
Sl. No.88
Ct. No.14
gd

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

WPA/19043/2025
PHANI BHUSAN MANDAL AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.
Mr. Sourav MitraS
Ms. Sreyasree Choudhury

...for the Petitioners.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek for direction upon the respondent authorities for disbursement of interest on delayed payment of gratuity from the date of death till the date of actual payment @ 18% per annum.
3. The petitioners are the parents of the deceased employee. The son of the petitioners was an approved Assistant Teacher of Dewash Junior Basic School, P.O.- Dewash, District-Birbhum who died in harness on 2nd July, 2023. The Pension Payment Order was issued on 3rd June, 2025. The gratuity was received by the petitioners on 9th June, 2025. The petitioners claim interest on delayed payment of gratuity. Hence, this writ petition.
4. Ms. Sreyasree Choudhury, learned Advocate for the petitioners submits that there is delay in making payment of the gratuity. The petitioners are entitled to

get interest on the said amount from the date following the date of death till the date of actual payment.

5. Despite service, none appears on behalf of the State.
6. Ms. Barnali Gupta, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Ms. Gupta be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Ms. Gupta, learned Advocate for the State respondents.
8. Ms. Gupta, learned Advocate for the State leaves the matter to the discretion of the Court.
9. From the contention made in the writ petition, it is found that the petitioners received the gratuity after two years of death of the learned employee. It is the bounden duty of the State to pay pension and retiral dues to the employee forthwith, failing which the employee is entitled to get interest on such delayed payment.
10. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Birbhum-II are directed to disburse interest @ 8% per annum on the gratuity in favour of the petitioners to the extent of their share in accordance with law from the date following the date of death till the date of actual payment within a period of eight weeks from date of communication of this order.

11. Learned advocate for the petitioners 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, Birbhum-II, for necessary compliance.
12. With the above direction, the writ petition being **WPA 19043 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)