12-11-2026
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21574 of 2017
Mira Rani Dey & Anr.
-vs-
The State of West Bengal & Ors.
with
CAN No.1 of 2023

Mr. Subrata Bhattacharjya ...for the petitioners

Ms. Sneha Dutta
Ms. Megha Datta ...for the State

Mr. Suman Basu ...for respondent no.4

1. The writ petition has been filed by the heirs of one Hriday Kumar Dey who was serving as a lecturer of a college and lastly posted at MBS Institute of Engineering & Technology, Sadhanpur, district Burdwan.

2. The employee retired from service on January 31, 1998 and received his terminal dues in 2015. He expired on January 8, 2016. The heirs of the employee prays for interest on account of delayed payment of terminal dues of the employee.

3. From records it appears that the employee was paid his terminal dues in the year 2015 and expired in January 2016. The employee never raised any objection on account of delayed payment of his terminal dues. Had the employee been aggrieved with the act of the authority for delaying release of his terminal dues, he ought to have objected at the proper time. The same

implies that the employee was not aggrieved and in fact accepted the terminal dues despite the same being released in his favour at a delayed point of time.

4. After the death of the employee the heirs have approached the Court for grant of interest. The prayer of the legal heirs for grant of interest on account of delayed payment of the terminal dues of the employee cannot be entertained as there was no objection raised from the employee.

5. It has been brought to the notice of the Court that during pendency of the writ petition, the widow of the employee being the first petitioner expired on July 19, 2022. An application (CAN No.1 of 2023) for expunging the name of the first petitioner has been filed.

6. As the first petitioner expired and the cause of action still subsists to be carried forward by the second petitioner, the name of the first petitioner stands expunged from the cause title of the writ petition. CAN No.1 of 2023 is allowed to this extent.

7. The prayer of the second petitioner for grant of interest on account of delayed payment of the terminal dues of his father cannot be allowed for the reasons mentioned hereinabove.

8. The writ petition fails and is hereby dismissed.

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

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

[Amrita Sinha, J]