

02.02.2026
(M/L-08)
Ct.-15
(NMD)

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

W.P.A. 26453 of 2025

Akhil Chandra Sarkar
-Vs-
The State of West Bengal & Ors.

Mrs. Ina Bhattacharyya,
Mr. Sumitava Chakraborty,
Mrs. Mithu Singha Mahapatra,
Mrs. Bratati Pramanick
.... For the Petitioner
Mr. Sekhar Mustaphi,
Mr. Tauhid Khan
.... For the State

By filing the present writ petition, the petitioner seeks payment of interest on gratuity on account of the delayed release of his pensionary benefits. It appears that the petitioner was appointed as a Group 'D' staff member under the Malda Zilla Parishad on August 14, 2003 and retired from service on April 30, 2015. However, the petitioner's pensionary benefits were not released upon his retirement on the ground that he was allegedly overage at the time of his initial appointment.

Aggrieved by the denial of his pensionary benefits, the petitioner approached this Court by filing W.P. No. 11074(W) of 2018. By an order dated March 4, 2020, a Co-ordinate Bench of this Court disposed of the said writ petition with a direction

upon the Principal Secretary, Panchayats and Rural Development Department, to consider the petitioner's prayer for relaxation of age at the time of entry into service, in the light of the observations made therein.

The relevant portion of the said order reads as follows:

“After allowing the petitioner to perform his service, the authority cannot raise the issue of overage for the purpose of withholding his pensionary benefit. If the initial appointment was not in accordance with law, the same ought to have been intimated to the petitioner immediately after the appointment. The authority ought not to have sat tight and permitted the employee to retire from service to raise the issue of overage for the purpose of not disbursing the pensionary benefit. The action of the respondent authorities cannot be supported in law.”

As the aforesaid order was not complied with, the petitioner was constrained to initiate contempt proceedings by filing CPAN No. 145 of 2021. Ultimately, the order of the Co-ordinate Bench was complied with by the Panchayats and Rural Development Department through an order dated May 26, 2022, whereby the excess age of the petitioner beyond the prescribed upper age limit of 43 years at the time of his entry into service was condoned.

Subsequently, the Pension Payment Order was issued on June 30, 2022.

I find merit in the submission advanced on behalf of the petitioner that the belated compliance with the order dated March 4, 2020 resulted in an undue delay in the release of the petitioner's pensionary benefits, including gratuity. The Coordinate Bench had directed compliance with the said order within a period of six weeks from the date of communication thereof. However, the order was complied with only on May 26, 2022.

The report filed by the State does not disclose any justification for such inordinate delay in compliance. In view of the above, I am of the opinion that the delay in releasing the pensionary benefits cannot be attributed to the petitioner.

In view of the aforesaid, **WPA 26453 of 2025** is disposed of with a direction upon the respondents to pay interest at the rate of 7% per annum on the gratuity amount for the period from March 4, 2020 till the date of actual payment.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Kausik Chanda, J.)