

S/L 18
25.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 29935 of 2025

Sushanta Ray

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas

Ms. Nupur Choudhuri

...for the Petitioner.

Sk. Md. Masud

...for the State.

1. Affidavit of service filed by the petitioner in Court today be kept with the records.
2. The petitioner is an Assistant Teacher of a school seeking higher scale of pay. He approached the Court by filing writ petition being WP 7955 (W) of 2018 which stood disposed of on September 12, 2018 by directing that the writ petitioner shall be entitled to higher scale of pay. The Court directed that the higher scale shall be accorded including the arrears within a period of six weeks from the date of communication of this order.
3. As the authority failed to act in terms of the order passed by the Court, the petitioner filed an application for contempt being CPAN 1144 of 2018. During the pendency of the contempt application, the benefit of higher scale of pay was accorded vide office memorandum dated August 27, 2025 w.e.f. July 11, 2003, i.e., the date of improving his Post Graduate qualification. The payment, however, was ultimately made to the petitioner only on October 31, 2025.

4. The petitioner prays interest on account of delayed payment of his legal dues.

5. The petitioner relies on the judgment delivered by the Hon'ble Division Bench of this Court on December 3, 2010 in **MAT 1127 of 2010 with CAN No. 9404 of 2010 (State of West Bengal & Ors. vs. Sri Sheo Ram Giri)**.

6. Learned advocate representing the State respondents has obtained instruction from the District Inspector of Schools (Secondary Education), Nadia signed on January 15, 2026 which mentions that the claim for interest made by the petitioner cannot be accepted as there is no relevant Government Order in this regard.

7. Fact remains that the right of the petitioner for receiving the payment was declared by the Court vide order dated September 12, 2018. The authority was to ensure that the petitioner gets the benefit of the order including the arrears within a period of six weeks from the date of communication of the order. The order of the Court was communicated to the District Inspector of Schools vide communicating letter dated September 17, 2018. The authority ought to have disbursed the dues of the petitioner within a period of six weeks from September 17, 2018. The benefit was however passed on to the petitioner only on October 31, 2025.

8. There has been enough delay in making the payment to the petitioner. In the meantime, the petitioner had to file an application for contempt and had to defend the appeal which was preferred by the State against the order passed by the learned Single Judge.

9. The issue regarding grant of interest on account of delayed payment has been discussed in *Sri Sheo Ram Giri (supra)*. The Court while deciding the issue placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **Aloke Shankar Pandey vs. Union of India** reported in **AIR 2007 SC 1958** wherein the Hon'ble Supreme Court held that equity demands that when payment is made at a belated point of time then the principal amount should be backed up by interest.

10. The Hon'ble Division Bench was pleased to affirm the order passed by the learned Single Judge in awarding interest.

11. The fact that there is no Government Order for grant of interest on account of delayed payment implies that the authority always should take steps within the time specified and ought not to delay in making payment specially when the right to receive payment has been adjudicated by the Court.

12. As, admittedly, there has been delay in making payment to the petitioner, the District Inspector of

Schools (Secondary Education), Nadia is directed to grant simple interest on account of such delay calculated at the rate of 6% per annum to be paid to the petitioner on and from October 30, 2018 till October 30, 2025.

13. Such payment shall be disbursed in favour of the petitioner positively within a period of eight weeks from the date of communication of this order.

14. If the interest is not paid in terms of the direction passed hereinabove, then the petitioner would be entitled to receive 2% additional interest, i.e., 8% (6+2) interest for the aforesaid period.

15. The writ petition stands disposed of.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)