

S/L 22
25.02.2026
Court No.18
AD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 262 of 2026

Hillol Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas, Advocate

Ms. Nupur Choudhuri, Advocate

...for the Petitioner.

Mr. Rahul Kumar Singh, Ld. Jr. Govt. Advocate

...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 22225 (W) of 2015 which stood disposed of on June 28, 2016 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 575 of 2017. During the pendency of the contempt application, the benefit of higher scale of pay was accorded vide office memorandum dated April 22, 2025 wef April 7, 2001, i.e., the date of joining in Haritala Tarakdas Vidyapith.

4. The payment, however, was ultimately made to the petitioner only on May 15, 2025. 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. The right of the petitioner for receiving the payment was declared by the Court vide order dated June 28, 2016. 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 July 21, 2016. The authority ought to have disbursed the dues of the petitioner within a period of six weeks from July 21, 2016. The benefit was however passed on to the petitioner only on May 15, 2025.

7. There has been enough delay in making the payment to the petitioner. In the meantime, the petitioner had to file an application for contempt seeking compliance of the direction passed by the Court.

8. 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.

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

10. 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 September 1, 2016 i.e. on expiry of six weeks from the date of communication of the order of the Court till May 15, 2025 i.e. the date of actual payment.

11. 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.

12. 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.

13. The writ petition stands disposed of.

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

(Amrita Sinha, J.)