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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/23022/2026

SUPRIYA DE
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Firdous Samim, Advocate
Ms. Gopa Biswas, Advocate
Mr. Md. Imzamamul Islam, Advocate
Ms. Birnta Dutta, Advocate
Mr. Mainak Ghosal, Advocate

.....for the Petitioner

Mr. D.N. Ray, Learned G.P.
Mr. Guddu Singh, Advocate
Mr. Sourav Halder, Advocate

.....for the State

1. The petitioner is aggrieved that in the reasoned order dated November 6/10, 2025, the petitioner's claim for interest for delayed payment of gratuity has been rejected.
2. Mr. Samim, learned Advocate, appearing for the petitioner, submits that the order is bereft of any reasoning and ought to be set aside. He further submits that in the enunciation in the form of a list of dates in the impugned order, the concerned authority has referred to certain undertakings given by the petitioner to accept the gratuity payments in tranches over a period of time upon giving up his claim for interest.
3. Mr. Samim, further submits that the claim of the petitioner emanates from a statutory right as envisaged under Section 7(3) and 7(3A) of the Payment of Gratuity Act, 1972. Hence, even if there is an undertaking, the same cannot be relied upon to deny him the quantum of interest that he may be entitled to.

4. In view of the afore-stated, the order, which is bereft of any reasons, is bad in law and cannot be sustained and should be set aside.
5. Mr. Singh, learned Advocate, appearing for the authorities, submits that not only does the matter have a checkered history but the petitioner was the beneficiary of subsequent enhancements on the quantum of gratuity payable to him.
6. On the date of his retirement, that is, on December 31, 2019 the petitioner was entitled to payment of gratuity of Rs.10 lakhs/-, which he received on February 5, 2020.
7. By subsequent modifications, further enhancements were granted and the petitioner received such enhancements as and when they were granted; Rs.2 lakhs/- on August 10, 2023 and a further sum of Rs.8 lakhs/- on September 24, 2024. It is not as if the petitioner was entitled to the entire sum of Rs.20 lakhs/- on the date of his retirement in December 2019, but became entitled thereto subsequently, which amounts were duly paid to him without any delay, on account whereof, the petitioner is not entitled to any further interest.
8. The fact that the gratuity amount was paid to the petitioner in tranches is not in dispute. It is also not in dispute that the petitioner accepted such payments over a period of time in tranches, without any protest and/or demur. On this admitted position, this Hon'ble Court had passed an order directing the concerned authority to quantify the amount payable on account of

interest to the petitioner, if he is so entitled, on September 17, 2025.

9. Though there is an enumeration of facts in the reasoned order, there is not much of a reason in the order. Even if one were to take that the petitioner was entitled to the payment in tranches as and when the same were paid or at least as and when the same became due, he would be entitled to interest under Section 7(3) of the Payment of Gratuity Act, 1972 for those days when the delay occurred in making payment of the tranches. This has been clearly set forth by the petitioner in his representation of December 6, 2025.
10. The reasoned order dated November 6/10, 2025, has not taken into consideration any of these afore-stated issues and has merely enumerated the facts and left the rest to the imagination of the person going through the order.
11. Since there is no order to be reckoned at this stage, it would be an empty formality to set aside this order of November 6/10, 2025.
12. In view thereof, I direct the concerned authority to revisit this issue afresh, if on no other cause, on the issue of the staggered delay in payment of each tranche payable on account of gratuity to the petitioner.
13. It is expected, in line with the decision of September 17, 2025, of this Hon'ble Court in WPA/19631/2025, the authority will render some reason while considering the claim of the petitioner.

14. The concerned authority will be at liberty to alter, amend, and add to his order of November 6/10, 2025.
15. The order will be reconsidered upon giving a hearing to the petitioner with adequate prior notice.
16. The entire exercise will be concluded by a reasoned order within a period of 8 weeks from the date of communication of this order.
17. The resultant order by the authority will be communicated to the petitioner within a week thereafter.
18. All parties to act on the server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Reetobroto Kumar Mitra, J.)