

12.11.2025
Sl. No.16
Ct. No.14
gd

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

WPA/18341/2025
PROVABATI MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra

...for the Petitioner.

Md. Zakir Hossain

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for disbursement of interest amount on pensionary benefits including arrears of family pension.
3. The petitioner contends that petitioner's husband was a Head Teacher in Kankandighi Adibasi Bhabatarini Abaitanik Primary School, P.O.- Kankandighi, District-South 24-Parganas who died-in-harness on 17th February, 1975. Subsequent thereto, the Pension Payment Order has been issued in favour of the petitioner on 13th April, 2012. However, no interest on the delayed payment has been granted in favour of the petitioner. Hence, this writ petition.
4. Mr. Sourav Mitra, learned Advocate for the petitioner submits that the petitioner is entitled to receive

interest on delayed payment on and from 15th June, 1990 till the date of actual payment in terms of the Government Order No.163-EDN(B)/IM-54/88 dated 15th June, 1990.

5. On the contrary, learned advocate for the State submits that there is delay in filing the writ petition since the Pension Payment Order has been issued way back in the year 2012.
6. The prayer of the petitioner seeking for disbursement of interest on pensionary benefits including arrears has been opposed by the State on the ground of delay. At this stage, it would be apposite to reproduce the observation of the Hon'ble Supreme Court in ***Union of India & Ors. versus Tarsem Singh*** reported in **(2008) 8 SCC 648** as hereunder:

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking, remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order, or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment of refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the

consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

7. Bearing in mind the aforesaid proposition of Hon’ble Supreme Court, the objection raised by learned advocate for the State is negated.
8. In view of the aforesaid, the respondent No.2, Director of Pension, Provident Fund and Group Insurance and the respondent No.3, Treasury Officer, Diamond Harbour are directed to pay interest at the rate of 8% per annum on the amount of pensionary benefits including arrears of family pension in favour of the petitioner on and from 15th June, 1990 till the date of actual payment.
9. The petitioner is directed to communicate this order to the respondent No.2, Director of Pension, Provident Fund and Group Insurance and the respondent No.3, Treasury Officer, Diamond Harbour.
10. With the above direction, the writ petition being **WPA 18341 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)