06.10.2026
Sl. No.18(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 3208 of 2026

Saharjan Bibi

Versus

The State of West Bengal & Ors.

Mr. Krishna Pada Santra
...for the Petitioner.

Mr. Barun Ghosh,
Mr. Saikat Dey
...for the State.

1. Affidavits-of-service filed on behalf of the petitioner are taken on record.

2. By the present writ petition, the petitioner seeks for direction upon the respondent authorities for disbursement of interest on delayed payment of gratuity and arrear pension from the date following the date of death of the petitioner's husband till the date of actual payment @ 18% per annum.

3. The petitioner contends that her husband late Afjal Hossain was an Assistant Teacher of Ghera Kamat Primary School, P.O. Nandalalpur, District-Malda, who died-in-harness on 7th September, 2024. The Pension Payment Order was issued on 9th January, 2025. The gratuity and arrear pension was received by the petitioner on 30th March, 2025. However, no interest has been paid to the petitioner. Hence, this writ petition.

4. Mr. Krishna Pada Santra, learned Advocate for the petitioner submits that there is delay in disbursement of gratuity and arrear pension and as such the petitioner is entitled to receive interest on the delayed payment of gratuity and arrear pension.

5. Mr. Barun Ghosh, learned Advocate for the State leaves the matter to the discretion of the Court.

6. From the aforesaid contentions made in the writ petition, it is found that the there is considerable delay in disbursement of the gratuity and arrear pension. It is the bounden duty of the State to disburse all the pensionary benefits to the employee forthwith, failing which the employee is entitled to interest on the aforesaid amount.

7. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Malda-I are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioner by way of pensionary benefits from the date following the date of death of petitioner's husband till the date of actual payment. Such payment is to be made within a period of eight weeks from date of communication of this order.

8. Learned advocate for the petitioner is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Malda-I, for necessary compliance.

9. With the above direction, the writ petition being **WPA 3208 of 2026** stands disposed of.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

11. Interim order, if any, stands vacated.

12. All connected applications, if any, stand disposed of.

13. There shall be no order as to costs.

14. 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.)