

17.03.2026  
Sl. No.27(DL)  
Ct. No.14  
srm

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

**W.P.A. No. 6713 of 2025**

**Kanika Mahata**

**Versus**

**The State of West Bengal & Ors.**

Mr. Dilip Kumar Sadhu

...for the Petitioner.

Mr. Vinay Kumar Purohit

...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 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 was appointed as an Assistant Teacher of Jamdohara Primary School, P.O. and Village Nayagram, P.S. Nayagram, District-Jhargram and was subsequently transferred to Pathrasole Primary School, Nayagram-I Circle, P.O. Jhargram, District-Jhargram. The petitioner's husband died-in-harness on 28<sup>th</sup> October, 2017. The Pension Payment Order was issued on 17<sup>th</sup> March, 2021. The gratuity and arrear pension was received by the petitioner on 22<sup>nd</sup> March, 2022.

However, no interest has been paid to the petitioner.  
Hence, this writ petition.

4. Mr. Dilip Kumar Sadhu, 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. Vinay Kumar Purohit, learned Advocate for the State leaves the matter to the discretion of the Court.
6. Though there is delay in making such claim, however, delay *per se* cannot defeat the valuable right of the petitioner. Relief may be granted to the writ petitioner in spite of the delay if it does not affect the right of third parties. [See: ***Union of India versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
7. From the aforesaid contentions made in the writ petition, it is found that 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.
8. It is found from the Pension Payment Order that the death-cum-retiring gratuity is made payable to the petitioner and her son Bhavesh Mahata in equal shares. The son of the petitioner is not a party in the present proceedings.
9. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent

No.3, the Treasury Officer, Jhargram are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioner to the extent of her share 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.

10. 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, Jhargram, for necessary compliance.
11. With the above direction, the writ petition being **WPA 6713 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
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.)**