07.10.2026
Sl. No.26
Ct. No. 14
gd

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA/14021/2026

Habibur Rahman
VS
The State of West Bengal and Ors.

Ms. Arpita Saha
...for the Petitioner.

Mr. Indrajit Roy Chowdhury
Ms. Mary Datta
Mr. Sourav Sengupta
...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 on delayed payment of gratuity and arrear pension from the date following the date of retirement till the date of actual payment at the rate of 18% per annum.

3. The petitioner contends that he was an Assistant Teacher of Karbona Kanchannagar High Madrasah (HS), Village and Post Office-Karbona, Police Station-Ratua, District-Malda, who retired from service on superannuation on 30th November, 2011. The pension payment order was issued on 1st November,

2012. The gratuity and arrear pension was disbursed on 3rd December, 2012. However, no interest on the aforesaid amount has been paid. Hence this writ petition.

4. Ms. Arpita Saha, learned advocate for the petitioner submits that there is a delay in disbursement of the gratuity and arrear pension and as such the petitioner is entitled to receive interest on the delayed payment of gratuity and arrear pension She seeks for appropriate orders.

5. Despite service, none appears on behalf of the State.

6. Mr. Indrajit Roy Chowdhury, learned advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter along with his junior. The appearance of Mr. Roy Chowdhury along with his junior be regularised by the competent authority.

7. Learned advocate for the petitioner is directed to serve a copy of the writ petition along with its annexure to learned Advocate for the State.

8. Mr. Roy Chowdhury, learned Advocate for the State leaves the matter to the discretion of this Court.

9. 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 vs. Tarsem Singh*** reported in ***(2008) 3 SCC 648***).

10. It is found from the contention in the writ petition that there is delay in disbursement of the gratuity and arrear pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.

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

12. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Malda-I for necessary compliance.

13. With the aforesaid directions, the writ petition being **WPA 14021 of 2026** is disposed of.

14. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

15. Consequently, connected applications, if any, stand disposed of.

16. Interim orders, if any, stand vacated.

17. There shall be no order as to costs.

18. 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.)