17.11.2026
Sl. No.22
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13943 of 2026

Bijoy Kumar Mandal
Versus
The State of West Bengal & Ors.

Ms. Arpita Saha
...for the Petitioner.

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 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 retirement till the date of actual payment @ 18% per annum.

3. The petitioner contends that he was an Assistant Teacher Bagdukra Mgd. Primary School, Village Mothurtola, P.O. Bagdukra, Police Station Bhutni, District Malda, who retired from service on superannuation on 30th April, 2020. The Pension Payment Order was issued on 7th September, 2021. The gratuity and arrear pension was disbursed on 21st September, 2021. However, no interest has been paid on delayed payment to the petitioner. Hence, this writ petition.

4. Ms. Arpita Saha, learned advocate for the petitioner submits that there is delay in making payment of

gratuity and arrear pension amount. The petitioner is entitled to get interest on the said amount from the date following the date of his retirement till the date of actual payment.

5. Despite service the State is unrepresented.

6. Ms. Mary Datta, learned Advocate who usually appears on behalf of the State-respondents is requested to appear in this matter with junior of her choice. Let their appointment be regularised by the competent authority.

7. Learned Advocate for the petitioner is directed to hand over copy of the writ petition along with its annexures upon learned Advocate for the State.

8. Learned Advocate appearing on behalf of the State leaves the matter to the discretion of this Court.

9. At the outset, it is found that 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. From the contention made in the writ petition, it is found that the petitioner received the gratuity and arrear pension amount after a considerable delay. It is the bounden duty of the State to pay pension and retiral dues to the employee forthwith, failing which the employee is entitled to get interest on such delayed payment.

11. In view of the above, 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 the interest at the rate of 8% per annum on the gratuity and arrear pension amount in favour of the petitioner from the date following the date of his retirement till the date of actual payment within a period of eight weeks from date of communication of this order.
12. 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.
13. With the above direction, the writ petition being **WPA 13943 of 2026** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)