17.11.2026
Sl. No.24(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14052 of 2026

Jagat Das

Versus

The State of West Bengal & Ors.

Mr. Krishna Pada Santra
...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 of the petitioner's husband till the date of actual payment @ 18% per annum.

3. The petitioner contends that her husband late Sudir Kumar Das was an Assistant Teacher of Niknagar Primary School, District-Malda, who retired from service on superannuation on 31st March, 2021 and expired on 5th November, 2025. The Pension Payment Order was issued on 23rd August, 2021. The gratuity and arrear pension was received by the petitioner's husband on 6th November, 2021. However, no interest has been paid. 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. Despite service, none appears on behalf of the State.

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

7. The learned Advocate for the petitioner is directed to handover a copy of the writ petition along with its annexures to Ms. Datta, learned Advocate for the State.

8. Ms. Datta, learned Advocate for the State leaves the matter to the discretion of the 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 versus Tarsem Singh*** reported in ***(2008) 3 SCC 648***]

10. 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.

11. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Malda-I, Malda 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 retirement of the 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.
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, Malda, for necessary compliance.
13. With the above direction, the writ petition being **WPA 14052 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. 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.)