Ct. No.4 D/L 27.04.2026
(Naba) 21

W.P.S.T. 131 of 2025

Smt. Parbati Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kr. Rath,
Mr. Sukumar Sarkar,
Mr. Dwijadas Pattanayak
...for the Petitioner

Mr. Tapan Kumar Mukherjee, ld. AGP,
Ms. Sangeeta Roy
...for the State

1. Heard the learned advocate for the writ petitioner as well as the learned A.G.P. representing the State.

2. The petitioner, a retired Staff Nurse, approached the West Bengal Administrative Tribunal ('Tribunal' for short) by filing an Original Application. The O.A. No. 374 of 2024 was filed claiming an interest @ 18% per annum on delayed payment of retiral dues. The Tribunal, considering the facts emerging before it, was of the view that the payments were not delayed inordinately and there was no *mala fide* intention of the respondents apparent from the records. The delay of about two years in sanction of the retiral dues was viewed keeping in background the fact that the petitioner submitted pension papers in June 2020, at a time when Covid-19 pandemic restrictions had already been put in place. The

authorities, therefore, were not held liable for grant of any interest.

3. The learned advocate for the writ petitioner submits that the Tribunal failed to consider that the authorities submitted the complete pension papers only on 08.07.2022. The petitioner had retired on 30th September, 2020. The delay, therefore, was not on grounds of any reasons attributable to the petitioner who had submitted the pension papers in June, 2020 itself. The Tribunal, therefore, should have allowed an interest on the delayed payment of retiral dues.

4. The learned A.G.P. has opposed the prayer.

5. We have considered the rival submissions.

6. The law is very much clear by now that pension is not a bounty and that the authorities are obliged to process and make payment of pensionary/retiral dues without any unnecessary delay and diligently.

7. The present case, however, has to be viewed keeping in background the circumstances placed on record by the authorities. The petitioner's pension sanctioning authority was respondent no.3, Superintendent of the Hospital where she served till the time of her retirement. The affidavit discloses that the pension papers were forwarded by the respondent no.3, firstly on 25.06.2020. It

was returned on 04.03.2024 by the Accountant General for want of certain details. The pension papers were thereafter re-submitted on 02.12.2021, when the office of the Accountant General, found on scrutiny, that the petitioner's claim for pension was not in conformity with the extant rules and regulations governing the State Government employee. The matter was again returned to the pension sanctioning authority on 08.06.2022. Thereafter, the respondent no.3 forwarded the petitioner's claim again on 08.07.2022. The respondent no.3 finally received the sanction of the amounts by the Accountant General's office in December 2022, thereafter the affidavit reveals that the payments were made expeditiously.

8. The learned A.G.P. further submitted that the matter was repeatedly returned by the office of the Accountant General, since the pension papers submitted by the petitioner was found to be not in conformity with the existing rules.

9. We also take notice of the fact that petitioner's pension sanctioning authority was a Superintendent in the hospital and the period in question, is a period when such authorities were overwhelmed with the several health care issues arising on account of the Covid-19 pandemic. The

limited functioning in the Government organisations during this period, is also required to be taken into consideration.

10. Considering these aspects, we do not find any reason to award any interest on the delayed payments.

11. The order of the Tribunal dated 15.05.2025, passed in O.A. No. 374 of 2024, in our opinion, requires no interference.

12. The Writ Petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)