06.10.2026
Sl. No.31
Ct. No.14
gd

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 15033 of 2026

Sundari Mandal
Versus
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
...for the Petitioner.

Ms. Anita Kundu
Ms. Debasmita Ganguly
...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.

2. Report filed by the State furnished by District Inspector of Schools (Primary Education), Malda dated 28th July, 2026 is taken on record.

3. 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 amount from the date of death of the deceased employee till the date of actual payment @ 18 % per annum in her favour.

4. The petitioner contends that her husband, late Dipak Kumar Mandal was a Head Teacher of Domaichak P. P. Primary School, Village-Domaichak, P.O.-Bholaichak, Police Station-Kaliachak, District-Malda who died in harness on 2nd October, 2019. The

pension payment order was issued on 9th December, 2020. The gratuity and arrear pension amount was disbursed on 4th January, 2021. However, no interest on delayed payment of gratuity and arrear pension amount has been paid. Hence, this writ petition.

5. Mr. Krishna Pada Santra, learned advocate appearing for the petitioner submits that since there was delay in disbursement of the gratuity and arrear pension amount, hence the petitioner is entitled to interest on delayed payment of gratuity and arrear pension. He seeks for appropriate orders.

6. Ms. Anita Kundu, learned advocate for the State submits that upon submission of relevant documents and papers the pension papers were completed within a period of six months from date of submission and the petitioner herself is responsible for delay in issuance of the pension payment order.

7. It is found from the contention made in the writ petition that the concerned employee died in harness on 2nd October 2019. The pension payment order has been after a lapse of more than one year. It is the bounden duty of the State to release pensionary benefits of the employee forthwith, filing which, the employee is entitled to interest. Hence the argument made on behalf of the State is not sustainable.

8. 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***).

9. As per the contention in the writ petition there is delay in disbursement of the gratuity and arrear pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.

10. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent no.3, Treasury Officer, Malda-I are directed to disburse interest @ 8% per annum on the gratuity and arrear pension amount in favour of the petitioner from the date following the date of death of the concerned employee till the date of actual payment, within a period of eight weeks from the date of communication of this order.

11. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.2 Director of Pension, Provident Fund and Group Insurance and the respondent no.3, Treasury Officer, Malda-I, for necessary compliance.

12. With the aforesaid direction, the writ petition being **WPA 15033 of 2026** stands disposed of.

13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

14. Interim order, if any, stands vacated.

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

16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)