

28.04.2026
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Ct.No.24
Susanta

WPA 18062 of 2025

Sampa Kundu
Vs.
The State of West Bengal & Ors.

Mr. Uttam Kumar Roy,
...for the Petitioner.
Mr. Tapas Kumar Roy,
...for the State.

1. Affidavit-of-service filed in Court today is kept with the record.
2. The husband of the petitioner was an Assistant Teacher of a Secondary High School, who died-in-harness on 09.07.2020. The petitioner's husband had completed all pension-related formalities. However, the concerned authorities delayed and released the gratuity and arrear pension only on 05.09.2021. The petitioner herein seeks interest to be paid on the arrear pension amount for the interim period of delay in receipt of the gratuity amount.
3. There is a considerable delay in filing of the writ petition, which the petitioner seeks to justify by stating that there is no statutory period of limitation and neither of the parties has suffered due to this delay. It is the submission of the petitioner that accordingly the petition should be allowed. The petitioner relies upon an order in **W.P. No. 17557 (W) of 2017 (Narayan Chandra Saha Vs. State of West**

Bengal & Ors.) wherein a co-ordinate Bench had relied upon the Supreme Court judgment in the case of **Union of India Vs. Tarsem singh**, reported in **(2008) 8 S.C.C. 648** on the issue of limitation relating to payment or re-fixation of pay or pension wherein the Apex Court had held that relief may be granted in spite of delay as it does not affect the rights of the third party.

4. Merely because the petitioner has delayed in seeking what has rightly payable to him, does not absorb the authorities from their statutory duty to make release the payment within a reasonable time. Having failed to discharge this duty, the authorities are liable to pay interest on the said some of gratuity.

5. In view of the above and after hearing the learned Counsel for the petitioner, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the petitioner @ 8% per annum on the gratuity amount and arrear pension calculated from 10.07.2020 till the date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

6. The writ petition is disposed of, however, no order as to costs.

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

8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Reetobroto Kumar Mitra, J.)