

02.02.2026
Sl. No. 04
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/17995/2025
PRATIMA PAHAR
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner

Mr. Supriya Majumder

...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 direction upon the respondent authorities for disbursement of the interest on delayed payment of gratuity and arrear family pension from the date following the date of retirement of the deceased employee till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that the petitioner's husband was an approved Head Teacher of Dakshin Kasthamahal F.P. School, P.O. Kasthamahal, District South 24 Parganas, who retired from service on superannuation on 30th September, 2011 and died on 9th August, 2022. The pension payment order was issued in favour of the petitioner's husband on 13th September, 2012. The gratuity and arrear family

pension was disbursed in favour of the petitioner's husband on 30th November, 2012. However, no interest on the aforesaid amount has been paid in favour of the petitioner. Hence this writ petition.

4. Mr. Banshi Badan Maity, learned advocate for the petitioner submits that there is a delay in disbursement of the gratuity and arrear pension. The petitioner being the widow of the deceased employee, is entitled to receive interest on the aforesaid amount. He seeks for appropriate direction.
5. Mr. Supriya Majumder, learned advocate representing the State submits that there has been a considerable delay of 14 years in filing the writ petition claiming interest on the delayed payment of gratuity and arrear pension.
6. From the contentions made in the writ petition, it is found that the husband of the petitioner retired from service on superannuation on 30th September, 2011. The gratuity and arrear family pension amount was disbursed in favour of the petitioner's husband on 30th November, 2012. Thus, there is a delay of more than one year in disbursement of the said 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.
7. Though it has been argued on behalf of the State that there has been a considerable delay of almost 14

years, however, delay cannot defeat a valuable right which has accrued in favour of the petitioner being the widow of the deceased employee.

8. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Alipore-I are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of family pension in favour of the petitioner by way of pensionary benefits from the date following the date of retirement of the petitioner's husband i.e. 1st October, 2011 till the actual date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.
9. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Alipore-I for necessary compliance.
10. With the aforesaid directions, the writ petition being **WPA 17995 of 2025** is disposed of.
11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
12. Consequently, connected applications, if any, stand disposed of.
13. Interim orders, if any, stand vacated.

14. There shall be no order as to costs.
15. 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.)