

09.02.2026
Sl. No.35(DL)
Ct. No.14
srm

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

W.P.A. No. 18471 of 2025

Tanima Mistry & Anr.

Versus

The State of West Bengal & Ors.

Mr. Banshi Badan Maity

...for the Petitioners.

Mr. Prashant Kumar Tripathy

...for the State.

1. Supplementary affidavit filed by the petitioners in terms of order dated 2nd February, 2026 is taken on record.
2. By the present writ petition, the petitioners seek 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 death of the deceased employee till the date of actual payment @ 18% per annum.
3. The deceased employee is the husband of the petitioner No.1 and son of the petitioner No.2. The petitioners contend that the deceased employee was an approved Assistant Teacher of Gorankathi F.P. School, P.O. Ghosherpole, P.S. Raidighi, District-South 24-Parganas, who died-in-harness on 3rd December, 2023. The Pension Payment Order was issued on 16th May, 2025. The gratuity and arrear pension was received by the petitioners on 24th June, 2025. However, no interest has been paid to the petitioners. Hence, this writ petition.

4. Mr. Banshi Badan Maity, learned Advocate for the petitioners submits that there is delay in making payment of gratuity and arrear pension. The petitioners are entitled to get interest on the said amount from the date following the date of death of the deceased employee till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Mr. Prashant Kumar Tripathi, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Prashant Kumar Tripathi be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Mr. Tripathi, learned Advocate for the State respondents.
8. Mr. Prashant Kumar Tripathi, learned Advocate for the State leaves the matter to the discretion of the Court.
9. From the contention made in the writ petition, it is found that the petitioners received the gratuity and arrear pension after 18 months of the death of deceased employee. It is the bounden duty of the State to pay pension and retiral dues to the employee forthwith, failing which the employee is entitled to get interest on such delayed payment.
10. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Diamond Harbour, South 24-Parganas are directed to disburse

interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioners from the date following the date of death of the deceased employee till the date of actual payment within a period of eight weeks from date of communication of this order.

11. Learned advocate for the petitioners 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, Diamond Harbour, South 24-Parganas, for necessary compliance.
12. With the above direction, the writ petition being **WPA 18471 of 2025** 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.
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.)