

09.02.2026
Sl. No.76
Ct. No.14
ss

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

W.P.A. No. 18578 of 2025

**Sabitri Shit
Versus
The State of West Bengal & Ors.**

Ms. Sreyasree Choudhury
...for the Petitioner.

Ms. Lipika Chatterjee
...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 interest on delayed payment of gratuity and arrear pension amount from the date following the date of death of her husband till the date of actual payment @ 18% per annum in her favour.
3. The petitioner contends that her husband was an Assistant Teacher in Bhaudi Primary School, P.O. Chingurkasa, District Jhargram. The husband of the petitioner died in-harness on 1st November, 2012. The pension payment order was issued on 17th September, 2013. The gratuity and arrear pension amount was disbursed to the petitioner on 9th December, 2013. However, no interest on delayed

payment of gratuity and arrear pension amount has been paid. Hence, this writ petition.

4. Ms. Sreyasree Choudhury, learned Advocate appearing for the petitioner submits that since there was delay in disbursement of the gratuity and arrear pension amount, the petitioner is entitled to interest from the date following the date of death of her husband till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Ms. Lipika Chatterjee, learned advocate, who usually appears for the State, is requested to appear in this matter. Let her appointment be regularised by the competent authority.
7. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Ms. Chatterjee, learned advocate for the State.
8. Ms. Chatterjee, learned Advocate for the State leaves the matter to the discretion of the Court.
9. 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**).
10. It is found from the contention in the writ petition that there is delay in disbursement of the gratuity and arrear pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.

11. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent no.3, Treasury Officer, Jhargram is directed to disburse interest @ 8% per annum on the arrear pension amount in favour of the petitioner from the date following the date of death of the husband of the petitioner till the date of actual payment, within a period of eight weeks from the date of communication of this order.
12. 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, Jhargram, for necessary compliance.
13. With the aforesaid direction, the writ petition being **WPA 18578 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. 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.)