

09.02.2026
Sl. No.55(DL)
Ct. No.14
srm

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

W.P.A. No. 18520 of 2025

Tarulata Dandapat

Versus

The State of West Bengal & Ors.

Ms. Shreyasree Choudhury

...for the Petitioner.

Ms. Mousumi Banerjee

...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 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 retirement till the date of actual payment @ 18% per annum.
3. The petitioner contends that the petitioner's husband was an approved Assistant Teacher of Rampura Primary School, P.O. Beliaberah, District-Jhargram. The petitioner retired from service on superannuation on 31st August, 1994 and expired on 23rd January, 2022. The Pension Payment Order was issued on 5th December, 2000. The gratuity and arrear pension was received on 8th March, 2001. However, no interest has

been paid to the husband of the petitioner. Hence, this writ petition.

4. Ms. Sreyasree Choudhury, learned Advocate for the petitioner submits that there is delay in making payment of gratuity and arrear pension. The petitioner is entitled to get interest on the said amount from the date following the date of retirement of the petitioner's husband till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Ms. Mousumi Banerjee, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Ms. Mousumi Banerjee be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Ms. Banerjee, learned Advocate for the State respondents.
8. Mr. Banerjee, 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 versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
10. From the contention made in the writ petition, it is found that the petitioner's husband received the gratuity and arrear pension after six years of his

retirement. 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.

11. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Jhargram are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioner from the date following the date of retirement of the employee till the date of actual payment within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioner 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, Jhargram, for necessary compliance.
13. With the above direction, the writ petition being **WPA 18520 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.

19. 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.)