

09.02.2026
Sl. No.61
Ct. No.14
ss

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

W.P.A. No. 18530 of 2025

**Banalata Maity
Versus
The State of West Bengal & Ors.**

Ms. Sreyasree Choudhury
...for the Petitioner.

Ms. Anima Das Chakraborty
...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 revised arrear pension amount from the date of effect of ROPA, 1998 till the date of actual payment @ 18% per annum in favour of the petitioner.
3. The petitioner contends that the petitioner's husband was a Head Teacher in Kaima Primary School, P.O. Kaima, District Jhargram. The husband of the petitioner retired from service on 28th February, 1998 and expired on 10th May, 2020. The first pension payment order was issued on 15th February, 1999 and the revised pension payment order under ROPA 1998 was issued on 6th February, 2002. The revised arrear pension amount was disbursed on 10th April, 2002.

However, no interest on delayed payment of such amount was made to the petitioner. Hence, this writ petition.

4. Ms. Sreyasree Choudhury, learned Advocate appearing for the petitioner submits that the petitioner is entitled to interest on revised arrear pension amount from the date of effect of ROPA, 1998, i.e. 1st April, 1996 till the date of actual payment.
5. Ms. Anima Das Chakraborty, learned advocate for the State leaves the matter to the discretion of the Court.
6. 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**).
7. In terms of ROPA, 1998 the petitioner is entitled to receive the revised arrear pension amount from the date of effect of ROPA, 1998, i.e. 1st April, 1996. The revised arrear pension is disbursed on 10th April, 2002. As such, the petitioner is entitled to interest on the aforesaid amount.
8. 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 revised gratuity and arrear pension amount in favour of the petitioner from the date following the date of

retirement of the concerned employee till the date of actual payment, within a period of eight weeks from the date of communication of this order.

9. 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.
10. With the aforesaid direction, the writ petition being **WPA 18530 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. 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.)