

10.02.2026
Sl. No.61
Ct. No.14
ss

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

W.P.A. No. 18891 of 2025

**Bandana Paul & ors.
Versus
The State of West Bengal & Ors.**

Mr. Krishna Pada Santra

...for the Petitioners.

Ms. Neelam Singh

...for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek 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 the employee concerned till the date of actual payment @ 18% per annum in their favour.
3. The petitioners contend that the deceased employee was the husband of the petitioner no.1 and father of the petitioner nos.2 and 3. The deceased employee was an Assistant Teacher of Tamluk Hemilton High School Primary Section, P.O. Tamluk, District Purba Medinipur. The employee concerned died-in-harness on 6th January, 2018. The pension payment order was issued on 25th September, 2018. The gratuity and arrear pension amount was disbursed on 15th

October, 2018. However, no interest on delayed payment of gratuity and arrear pension amount has been paid. Hence, this writ petition.

4. Mr. Krishna Pada Santra, learned Advocate appearing for the petitioners submit that since there was delay in disbursement of the gratuity and arrear pension amount, the petitioners are entitled to interest 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. Ms. Neelam Singh, 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. Singh, learned advocate for the State.
8. Ms. Singh, 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 petitioners are 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, Tamluk is directed to disburse interest @ 8% per annum on the arrear pension amount in favour of the petitioners from the date following the date death of the employee concerned 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 petitioners 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, Tamluk, for necessary compliance.
13. With the aforesaid direction, the writ petition being **WPA 18891 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.)