

10.02.2026
Sl. No.79
Ct. No.14
gd

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

WPA/18921/2025
JAGANNATH HALDAR
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Mr. S. 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 retirement till the date of actual payment @ 18% per annum in favour of the petitioner.
3. The petitioner contends that he was an approved Assistant Teacher of Panchpukur Adibasi F.P. School, P.O. Kumarpara, District South 24-Parganas. The petitioner retired from service on superannuation on 29th February, 2008. The pension payment order was issued on 31st July, 2008 in favour of the petitioner. The gratuity and arrear pension amount was disbursed in favour of the petitioner on 12th January,

2009. However, no interest on delayed payment of gratuity and arrear pension amount has been paid. Hence, this writ petition.

4. Mr. Banshi Badan Maity, learned Advocate appearing for the petitioner submits that since there was delay in disbursement of the gratuity and arrear pension amount, hence, the petitioner is entitled to interest from the date following the date of retirement of the petitioner till the date of actual payment.
5. Mr. S. Chatterjee, learned Advocate for the State leaves the matter to the discretion of this 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. 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.
8. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent no.3, Treasury Officer, Diamond Harbour is directed to disburse interest @ 8% per annum on the gratuity and arrear pension amount in favour of the petitioner from the date following the date of retirement of the petitioner 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, Diamond Harbour, for necessary compliance.
10. With the aforesaid direction, the writ petition being **WPA 18921 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.)