

10.02.2026
Sl. No.75
Ct. No.14
gd

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

WPA/18916/2025
HASI RANI HALDER
VS
STATE OF WEST BENGAL AND ORS.

Mr. Goutam Malik

...for the Petitioner.

Ms. Kakali Naskar

...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 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 the petitioner's husband was an approved Assistant Teacher in Harindanga F.P. School, P.O. Harindanga, District South 24-Parganas. The petitioner's husband retired from service on superannuation on 31st July, 1993 and expired on 1st June, 2001. The pension payment order was issued on 31st December, 1997 in favour of the petitioner's husband. The gratuity was disbursed in favour of the petitioner's husband on 19th February, 1998. However,

no interest on delayed payment of gratuity has been paid. Hence, this writ petition.

4. Mr. Goutam Malik, learned Advocate appearing for the petitioner submits that since there was delay in disbursement of the gratuity, hence, the petitioner being the widow of the deceased employee is entitled to interest on the aforesaid amount from the date following the date of retirement of the petitioner till the date of actual payment.
5. Ms. Kakali Naskar, 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. From the contentions made in the writ petition, it is found that the husband of the petitioner retired from service on superannuation on 31st July, 1993. The gratuity amount was disbursed in favour of the petitioner's husband on 19th February, 1998. Thus, there is a delay of more than four years in disbursement of the said gratuity. It is the bounden duty of the State to disburse all the pensionary benefits to the employee forthwith, failing which the employee is entitled to interest.

8. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Diamond Harbour are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of family pension in favour of the petitioner by way of pensionary benefits from the date following the date of retirement of the petitioner's husband till the actual date of payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.
9. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Diamond Harbour for necessary compliance.
10. With the aforesaid direction, the writ petition being **WPA 18916 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.)