

10.02.2026
Sl. No.81
Ct. No.14
gd

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

WPA/18938/2025
TANMAY MANDAL AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

Ms. Jonaki Saha

...for the Petitioner.

1. Affidavit-of-service filed on behalf of the petitioner 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 deceased employee till the date of actual payment @ 18% per annum in favour of the petitioner.
3. The petitioner no.1 is the husband of the deceased employee and petitioner no.2 is the daughter of the deceased employee. The concerned employee was an approved Assistant Teacher of Balichak Girls Primary School, P.O. Balichak, District Paschim Medinipur who died in harness on 23rd June, 2023. The pension payment order was issued on 2nd February, 2024. The gratuity and arrear pension amount was disbursed in favour of the petitioner on 20th May, 2024. However,

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

4. Mr. Jonaki Saha, learned Advocate appearing for the petitioners submits that since there was delay in disbursement of the gratuity and arrear pension amount, hence, the petitioners are entitled to interest on the aforesaid amount from the date following the date of death of the employee till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Mr. Bipin Ghosh, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Mr. Ghosh be regularised by the competent authority.
7. Learned Advocate for the petitioner is directed to serve a copy of the writ petition along with its annexure upon Mr. Ghosh, learned Advocate for the State.
8. Mr. Ghosh, learned Advocate for the State leaves the matter to the discretion of this Court.
9. From the aforesaid contentions made in the writ petition, it is found that there is delay in disbursement of the gratuity and arrear pension amount. 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.

10. Accordingly, respondent no.2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.3, the Treasury Officer, Kharagpur are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear pension in favour of the petitioners by way of pensionary benefits from the date following the date of death of the concerned employee till the actual date of payment to the extent of their share in accordance with law. Such payment is to be made within a period of eight weeks from the date of communication of this order.
11. Learned advocate appearing for the petitioners 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, Kharagpur for necessary compliance.
12. With the aforesaid direction, the writ petition being **WPA 18938 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.

17. 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.)