

10.02.2026
Sl. No.80
Ct. No.14
gd

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

WPA/18922/2025
MALATI ROY
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Ms. Subhasri Chatterjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report dated 27th August, 2025 filed by the State is taken on record.
3. 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 death of the deceased employee till the date of actual payment @ 18% per annum in favour of the petitioner.
4. The petitioner contends that the petitioner's husband was an approved Head Teacher of Ghatdurlabpur Primary School, P.O. Ghatdurlabpur, District Birbhum. The petitioner's husband died in harness on 12th December, 2017. The pension payment order was issued on 7th June, 2019. The gratuity was disbursed

in favour of the petitioner on 19th June, 2019. However, no interest on delayed payment of gratuity has been paid. Hence, this writ petition.

5. 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 being the widow of the deceased employee is entitled to interest on the aforesaid amount from the date following the date of death of the petitioner's husband till the date of actual payment.
6. Ms. Subhasri Chatterjee, learned Advocate for the State submits that there is no such delay in disbursement of gratuity and arrear pension amount.
7. 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**).
8. 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. Hence, the petitioner is entitled to interest on the aforesaid 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.

9. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Birbhum-II are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear pension in favour of the petitioner by way of pensionary benefits from the date following the date of death 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.
10. 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, Birbhum-II for necessary compliance.
11. With the aforesaid direction, the writ petition being **WPA 18922 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. 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.)