

16.02.2026
Sl. No. 48
Ct. No. 14
gd

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

WPA/19363/2025

BASANTI NAYEK

VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Debasis Dey

...for the Petitioner

Mr. Bhakti Prasad Das

...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 from the date following the date of death of the husband of the petitioner till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that the petitioner's husband, namely, late Netai Chandra Nayek was appointed as Primary Teacher in Ambatia Primary School under Rohini Circle, District-Jhargram, who died in harness on 20th May, 1995. The pension payment order was issued in favour of the petitioner's husband on 12th May, 1998. The gratuity and arrear pension was disbursed on 31st December, 1998. However, no interest on the aforesaid amount has been paid. Hence this writ petition.

4. Mr. Debasis Dey, learned advocate for the petitioner submits that there is a delay in disbursement of the aforesaid amount and as such the petitioner is entitled to receive interest on the delayed payment of gratuity and arrear pension. He seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Mr. Bhakti Prasad Das, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Mr. Das 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. Das, learned Advocate for the State.
8. Mr. Das, learned Advocate for the State leaves the matter to the discretion of this 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 petitioner is entitled to interest on the aforesaid amount.
11. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance,

Government of West Bengal and respondent no. 4, the Treasury Officer, Jhargram are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension in favour of the petitioner by way of pensionary benefits from the date following the date of death of her husband till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order.

12. 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. 4, the Treasury Officer, Jhargram for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 19363 of 2025** is disposed of.
14. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
15. Consequently, connected applications, if any, stand disposed of.
16. Interim orders, if any, stand vacated.
17. There shall be no order as to costs.
18. Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)