

17.02.2026
Sl. No. 23
Ct. No. 14
gd

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

WPA/19365/2025

MANORANJAN DAS
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Kalyan Kumar Panda
Mr. Debasis Dey
Ms. Sanchayita De

...for the Petitioner

Ms. Rinku Sen

...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 arrear family pension from the date of entitlement till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that the petitioner was an Assistant Teacher of Thuria Primary School, District-Jhargram who died in harness on 30th October, 1977 leaving behind his wife and the petitioner being the son as his only legal heirs. The pension payment order was issued in favour of the mother of the petitioner on 16th November, 2011. The arrear family pension was

disbursed to the petitioner's mother on 5th February, 2012. The mother of petitioner died on 20th February, 2016. However, no interest on the aforesaid amount has been paid. Hence this writ petition.

4. Mr. Kalyan Kumar Panda, learned advocate for the petitioner submits that the petitioner is entitled to receive the interest on arrear family pension as there was delay in disbursement of the same. He relies on the decision of the Coordinate Bench of this court passed in ***Karmasaran Sau versus The State of West Bengal & Ors. (Re: WPA 5021 of 2021)***.
5. Ms. Rinku Sen, learned Advocate for the State leaves the matter to the discretion of this Court.
6. The Memorandum dated 1st November, 2010 issued by the School Education Department, Budget Branch, Government of West Bengal pertaining to pension and family pension in respect of the employees who retired or died in harness prior to 1st April, 1981 provides, inter alia, that the financial benefit may be given with effect from June 15, 1990 or from the date of application for pension and family pension whichever is later. In the instant case, the petitioner could not state in clear terms of the date on which the application was made.
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. It is found from the contention in the writ petition that there is delay in disbursement of the arrear family pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.
9. 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 arrear of family pension in favour of the petitioner by way of pensionary benefits on and from 15th June, 1990 till the issuance of pension payment order 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.4, the Treasury Officer, Jhargram, for necessary compliance.
11. With the aforesaid directions, the writ petition being **WPA 19365 of 2025** is disposed of.
12. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
13. Consequently, connected applications, if any, stand disposed of.
14. Interim orders, if any, stand vacated.

15. There shall be no order as to costs.
16. 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.)