06.10.2026
Sl. No.37
Ct. No.14
gd

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA/21130/2026
Sekh Jinnat Ali & Ors.
VS
The State of West Bengal and Ors.

Mr. Sourav Mitra
Mr. Dwarikanath Mukherjee
Ms. Sreyasree Choudhury
...for the Petitioners.

Mr. Soumyajit Mukherjee
Ms. Koushikee Banerjee
...for the State.

1. Enquiry report furnished by the State is taken on record.

2. By the present writ petition the petitioners being the legal heirs of the deceased employee seek direction upon the respondent authorities to disburse the interest amount on delayed payment towards the arrear family pension from the date of entitlement till the date of actual disbursement of amount together with interest at the rate of 18% per annum.

3. The petitioners contend that their father, late Sk. Fatu Miya was an Assistant Teacher of Mirpur Primary School, P.O.-Keshabpur, District-Purba Bardhaman who died-in-harness on 18th December, 1967. The petitioners' mother died on 1st January, 2024. The petitioners have received the arrear family pension on 3rd July, 2026. However, no interest has been paid. Hence this writ petition.

4. Mr. Sourav Mitra, learned advocate for the petitioner submits that they are entitled to receive interest on delayed payment of arrear family pension from the date of their entitlement i.e. from 15th June, 1990.

5. Mr. Soumyajit Mukherjee, learned advocate for the State submits that the petitioners applied for the pensionary benefits long after the demise of their father and as such they are not entitled to receive any interest. He also submits that as per the enquiry report the petitioners are the sons from the second wife, late Isubjan Sekh and are the legal heirs of the deceased employee. The first wife of the deceased employee died issueless on 18th February, 2005.

6. From the pension payment order was issued on 17th April, 2026 it reveals that the family pension has been made entitled to in favour of the first wife, late Sk. Fatema Bibi to the extent of 50% and late Isubjan sekh, second wife to the extent of 50%. It has further been noted in the pension payment order that it has been issued pursuant to order passed on 1st April, 2026 in CPAN 1944 of 2025 with WPA 11605 of 2024 directing for payment of 50% of total family pension for period 1st April, 1998 to 1st January, 2024 to be paid to the legal heirs of the second wife. It is informed by the learned advocates that the 50% of the total arrear family pension has been paid to the present petitioners who are the sons of the second wife of the deceased employee.

7. It is found that there is considerable delay in disbursement of the same.

8. In view of the above, respondent no. 2, the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal and respondent no.3, Treasury Officer, Burdwan-1 are directed to disburse the interest @ 8% per annum to the petitioners on the amount released in favour of the petitioners by way of arrear family pension on and from 15th June, 1990 till the date of actual payment, to the extent of their shares and entitlement. Such payment is to be made within a period of eight weeks from the date of communication of this order.

9. Learned advocate for the petitioners is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal and also the respondent no.3, Treasury Officer, Burdwan-1 for necessary compliance.

10. With the aforesaid directions, the writ petition being **WPA 21130 of 2026** is disposed of.

11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

12. There shall be no order as to costs.

13. 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.)