

16.02.2026
Sl. No.70(DL)
Ct. No.14
srm

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

W.P.A. No. 19479 of 2025

Dipa Santra

Versus

The State of West Bengal & Ors.

Mr. Sudip Sarkar

...for the Petitioner.

Mrs. Bratati Roy Chowdhury

...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 revised gratuity and arrear pension from the date of effect of ROPA, 2009 till the date of actual payment @ 18% per annum.
3. The petitioner contends that her husband was an Assistant Teacher of Indrokhali Primary School, P.O. Indrakali, District-Hooghly. The petitioner's husband retired from service on superannuation on 30th June, 2006. The first Pension Payment Order was issued on 8th June, 2006. The revised Pension Payment Order was issued under ROPA, 2009 on 23rd May, 2013. The revised gratuity and arrear pension as per ROPA, 2009 was disbursed to the petitioner'

husband on 4th August, 2013. The husband of the petitioner died on 29th July, 2021. However, no interest has been paid. Hence, this writ petition.

4. Mr. Sudip Sarkar, learned Advocate for the petitioner submits that the petitioner is entitled to interest on revised gratuity and arrear pension from the date of effect of ROPA 2009 i.e. 19th May, 2009. He seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Mrs. Bratati Roy Chowdhury, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mrs. Bratati Roy Chowdhury be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Mrs. Roy Chowdhury, learned Advocate for the State respondents.
8. Mrs. Roy Chowdhury, learned Advocate for the State leaves the matter to the discretion of the 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 versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
10. From the contentions made in the writ petition, it is found that the petitioner's husband is entitled to

revised gratuity and arrear pension under ROPA 2009 with effect from 19th May, 2009. The revised gratuity and arrear pension amount was disbursed to the petitioner's husband belatedly. In view of the above, the petitioner is entitled to receive interest on revised gratuity and arrear pension from date of effect of ROPA 2009.

11. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.4, the Treasury Officer, Chandernagore, Hooghly are directed to disburse the interest @ 8% per annum on the revised gratuity and arrear pension from the date of effect of ROPA, 2009 i.e. 19th May, 2009 till the date of actual payment. Such payment is to be made within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioner is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.4, the Treasury Officer, Chandernagore, Hooghly, for necessary compliance.
13. With the above direction, the writ petition being **WPA 19479 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.

16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)