

16.02.2026
Sl. No.80(DL)
Ct. No.14
srm

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

W.P.A. No. 19589 of 2025

Shyamal Kumar Samanta & Ors.

Versus

The State of West Bengal & Ors.

Mr. Arun Khutia

...for the Petitioners.

Mr. Subrata Mukherjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek for 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 employee till the date of actual payment @ 18% per annum.
3. The petitioner No.1 is the husband, petitioner Nos.2 and 3 are the parents and petitioner Nos.4 and 5 are minor daughter and son of the deceased employee. The petitioners contend that the deceased employee was an Assistant Teacher of Narajole Rani Mrinalini Primary School, P.O. Narajole, District-Paschim Medinipur, who died-in-harness on 17th August, 2019. The Pension Payment Order was issued on 15th August, 2022. The gratuity and arrear pension was received by the

petitioners on 18th November, 2022. However, no interest has been paid to the petitioners. Hence, this writ petition.

4. Mr. Sudip Sarkar, learned Advocate for the petitioners submits that there is delay in disbursement of gratuity and arrear pension and as such the petitioners are entitled to receive interest on the delayed payment of gratuity and arrear pension.
5. Despite service, none appears on behalf of the State.
6. Mr. Subrata Mukherjee, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Subrata Mukherjee be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Mr. Mukherjee, learned Advocate for the State respondents.
8. Mr. Mukherjee, 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 petitioners. Relief may be granted to the writ petitioners 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 aforesaid contentions made in the writ petition, it is found that there is considerable delay in disbursement of the gratuity and arrear pension. 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 on the aforesaid amount.

11. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Ghatal, Paschim Medinipur are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioners by way of pensionary benefits from the date following the date of death of the employee till the date of actual payment in accordance with law but to the extent of their share. Such payment is to be made within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioners is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Ghatal, Paschim Medinipur, for necessary compliance.
13. With the above direction, the writ petition being **WPA 18589 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. 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.)