

16.02.2026
Sl. No.81(DL)
Ct. No.14
srm

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

**W.P.A. No. 19590 of 2025
Gour Chandra Mandal
Versus
The State of West Bengal & Ors.**

Ms. Sudip Banerjee

...for the Petitioner.

Mr. Partha Sarathi Sen Sharma

...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 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 retirement of the petitioner till the date of actual payment @ 18% per annum.
3. The petitioner contends that she was an Assistant Teacher of Dehuchi Junior Basic School, P.O. Samaspur, District-Uttar Dinajpur, who retired from service on superannuation on 31st January, 2021. The Pension Payment Order was issued on 2nd May, 2022. The gratuity and arrear pension was received by the petitioner on 30th June, 2022. However, no interest has been paid to the petitioner. Hence, this writ petition.
4. Ms. Sudipa Banerjee, learned Advocate for the petitioner submits that there is delay in disbursement of gratuity and arrear pension and as such the petitioner is entitled

to receive interest on the delayed payment of gratuity and arrear pension.

5. On the contrary, Mr. Partha Sarathi Sen Sharma, learned Advocate for the State submits that the online application for grant of pension was submitted by the petitioner on 9th January, 2021 which has resulted in delay for disbursement of pensionary and retiral benefits in favour of the petitioner. He seeks for dismissal of the writ petition. He files report furnished by the District Inspector of Schools (PE), Uttar Dinajpur dated 27th August, 2025 which is taken on record.
6. 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**]
7. 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.
8. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Raiganj-II, Uttar Dinajpur

are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioner by way of pensionary benefits from the date following the date of retirement of the petitioner 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.

9. 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.3, the Treasury Officer, Raiganj-II, Uttar Dinajpur, for necessary compliance.
10. With the above direction, the writ petition being **WPA 19590 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
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.)