

23.02.2026
Sl. No. 37
Ct. No. 14
gd

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

WPA/20188/2025
AMITA PATRA KHANRA AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Krishna Pada Santra

...for the Petitioners

Ms. Tanima Sengupta

...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 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 husband of the petitioner till the date of actual payment at the rate of 18% per annum.
3. The petitioner no.1 is the wife and the petitioner no.2 is the son of the concerned employee who was an Assistant Teacher of Amgechia Primary School, Post Office-Radhaballavpur, District-Purba Medinipur. The concerned employee died in harness on 21st July, 2023. The pension payment order was issued on 15th May, 2025. The gratuity and arrear pension was disbursed on 6th June, 2025. However, no interest on the aforesaid amount has been paid. Hence this writ petition.

4. Mr. Krishna Pada Santra, learned advocate for the petitioners submits that there is a delay in disbursement of the aforesaid amount and as such the petitioner is entitled to receive interest on the delayed payment of gratuity and arrear pension. He seeks for appropriate orders.
5. Mr. Tanim Sengupta, learned Advocate for the State leaves the matter to the discretion of this Court.
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 vs. Tarsem Singh*** reported in ***(2008) 3 SCC 648***).
7. It is pertinent to note that the mother of the deceased employee who as per pension payment order has 34% share has not filed the writ petition. The writ petition has been filed only by the wife and the son.
8. It is found from the contention in the writ petition that there is delay in disbursement of the gratuity and arrear pension amount. Hence, the petitioners are 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. 3, the Treasury Officer, Tamluk are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension in favour of the petitioners to the extent of their share and

entitlement as per pension payment order by way of pensionary benefits from the date following the date of death of the concerned employee till the date of actual payment. Such payment is to be made within a period of eight weeks from the date of communication of this order. The share of the mother, Durga Rani Khanra be disbursed to her though she is not a writ petitioner herein to the extent of 34% share.

10. Learned advocate appearing for the petitioners 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. 3, the Treasury Officer, Tamluk for necessary compliance.
11. With the aforesaid directions, the writ petition being **WPA 20188 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.)