

23.02.2026
Sl. No. 38
Ct. No. 14
gd

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

WPA/20226/2025

DIPAK KUNDU
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner

Mr. Arun Kumar Saha

...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 gratuity and arrear pension from the date following the date of retirement till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that he was a Head Teacher of Amonmouri Primary School, Post Office-Inchura, District-Hooghly. The petitioner retired from service on superannuation on 31st January, 2020. The pension payment order was issued on 7th June, 2020. The gratuity and arrear pension was disbursed on 1st December, 2020. However, no interest on the

aforesaid amount has been paid. Hence this writ petition.

4. Mr. Banshi Badan Maity, learned advocate for the petitioner submits that there is a delay in disbursement of the gratuity and arrear pension 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. Despite service, none appears on behalf of the State.
6. Mr. Arun Kumar Saha, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Mr. Saha be regularised by the competent authority.
7. Learned Advocate for the petitioner is directed to serve a copy of the writ petition along with its annexure upon Mr. Saha, learned Advocate for the State.
8. Mr. Saha, learned Advocate for the State leaves the matter to the discretion of this 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 vs. Tarsem Singh*** reported in ***(2008) 3 SCC 648***).
10. 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 petitioner is entitled to interest on the aforesaid amount.

11. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 4, the Treasury Officer, Hooghly-I are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension in favour of the petitioner by way of pensionary benefits from the date following the date of retirement 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.
12. Learned advocate appearing for the petitioner 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. 4, the Treasury Officer, Hooghly-I for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 20226 of 2025** is disposed of.
14. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
15. Consequently, connected applications, if any, stand disposed of.
16. Interim orders, if any, stand vacated.
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.)