

10.02.2026
Sl. No.38
Ct. No.14
pp

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

WPA 19913 of 2025

Dhirendra Nath Mondal

Vs.

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Aviroop Bhattacharya

...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 gratuity and arrear pension in favour of the petitioner 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 the petitioner was appointed as Assistant Teacher of Ballitola Magh. Primary School, P.O.-Bhutni, District-Malda. The petitioner retired from service on superannuation on 30th September, 2012. The Pension Payment Order was issued on 2nd January, 2014. The gratuity and arrear pension was disbursed in favour of the petitioner on 3rd February, 2014. However, no interest was paid on such delayed payment. Hence this writ petition.
4. Mr. Krishna Pada Santra, learned advocate for the petitioner submits that the petitioner is entitled to

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

5. Mr. Aviroop Bhattacharya, learned advocate for the State leaves the matter to the discretion of the 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. From the aforesaid contention in the writ petition, it is found that there is delay in payment of the gratuity and arrear of pension. It is the bounden duty of the State to disburse the retiral benefits to the employee forthwith failing which the employee is entitled to receive interest on delayed payment.
8. Accordingly, respondent no.2, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.3-Treasury Officer, Malda-I are directed to pay the interest at the rate of interest @ 8% per annum on gratuity and arrear pension in favour of the petitioner 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.
9. Petitioner is directed to communicate this order to the respondent no.2, Director of Pension, Provident Fund

and Group Insurance, Government of West Bengal and respondent no.3, Treasury Officer, Malda-I for necessary action.

10. With the aforesaid directions, the writ petition being **WPA 19913 of 2025** is 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.)