

23.02.2026
Sl. No.30(DL)
Ct. No.14
srm

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

W.P.A. No. 20074 of 2025

Golam Hossain Sk.

Versus

The State of West Bengal & Ors.

Mrs. Debjani Sahu

...for the Petitioner.

Mr. Andus Salam

...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 death of the petitioner's wife till the date of actual payment @ 18% per annum.
3. The petitioner contends that his wife was an Assistant Teacher of 31 Tiktikipara Primary School, P.O. Roshanbag, District-Murshidabad, who died-in-harness on 5th June, 2018. The Pension Payment Order was issued on 6th December, 2018. The gratuity and arrear pension was received by the petitioner on 1st February, 2019. However, no interest has been paid to the petitioner. Hence, this writ petition.

4. Mrs. Debjani Sahu, 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. Despite service, none appears on behalf of the State.
6. Mr. Abdus Salam, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Abdus Salam be regularised by the competent authority.
7. Let a copy of the writ petition along with its annexure be served upon Mr. Salam, learned Advocate for the State respondents.
8. Mr. Salam, 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 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**]
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, Lalbagh, Murshidabad 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 death of petitioner's wife 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.
12. 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, Lalbagh, Murshidabad, for necessary compliance.
13. With the above direction, the writ petition being **WPA 20074 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.)