

21.04.2026
Sl. No.33
Ct. No. 14
gd

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

WPA/20682/2025

SHILA MANDAL
VS
STATE OF WEST BENGAL AND ORS.

Ms. Debjani Sahu

...for the Petitioner

Mr. SM Samim Ullah

...for the State

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities to disburse the interest on gratuity and arrear pension amount from the date following the date of death of the concerned employee till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that her husband was an Assistant Teacher of BH 34 Munsurpur Primary School, District-Murshidabad. The petitioner's husband died in harness on 23rd February, 2017. The pension payment order was issued on 29th November, 2017. The gratuity and arrear pension was disbursed on 10th August, 2018. However, no interest on the

aforesaid amount has been paid. Hence this writ petition.

4. Ms. Debjani Sahu, learned advocate for the petitioners submits that there is a delay in disbursement of the aforesaid amount and as such the petitioners are entitled to receive interest on the delayed payment of gratuity and arrear pension She seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Mr. SM Samim Ullah, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Mr. Samim Ullah 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. Samim Ullah, learned Advocate for the State.
8. Mr. Samim Ullah, 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, West Bengal and respondent no. 3, the Treasury Officer, Kandi are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension 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.
12. 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, Kandi, for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 20682 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.)