

21.04.2026
Sl. No.26
Ct. No.14
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 20472 of 2025

**Phoolmoni Murmu & ors.
Versus
The State of West Bengal & Ors.**

Ms. Sudipa Biswas

...for the Petitioners.

Mr. Sayan Datta

...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 amount from the date following the date of death of the employee concerned till the date of actual payment at the rate of 18% per annum.
3. The petitioners contend that the petitioner no.1 is the wife, the petitioner no.2 is the mother, petitioner no.3 is the daughter and petitioner no.4 is the son of the deceased employee, namely, Late Jwalan Murmu. The concerned employee was an Assistant Teacher in Gopinathpur Primary School, Village Durlabganj, P.O. Gopinathpur, District Paschim Medinipur, and died-in-harness on 12th August, 2021. The pension payment order was issued in favour of the petitioners on 18th July, 2022. The gratuity and arrear pension was disbursed in favour of the petitioners on 20th

October, 2022. However, no interest on the aforesaid amount has been paid in favour of the petitioners. Hence this writ petition.

4. Ms. Sudipa Biswas, learned advocate for the petitioners submit that there is a delay in disbursement of the gratuity and arrear pension amount and as such the petitioners are entitled to receive interest on the delayed payment of gratuity and arrear pension amount. She seeks for appropriate orders.
5. Mr. Sayan Datta, 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 contentions made in the writ petition, it is found that there is considerable delay in disbursement of the gratuity and arrear pension amount. It is the bounden duty of the State to disburse all the pensionary benefits forthwith, failure of which entitles the affected party to interest on the arrears amount.
8. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the

Treasury Officer, Kharagpur are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension amount in favour of the petitioners by way of pensionary benefits from the date following the date of death of the employee concerned till the date of actual payment in accordance with law but to the extent of their shares and entitlement. Such payment is to be made within a period of eight weeks from the date of communication of this order.

9. 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. 3, the Treasury Officer, Kharagpur, for necessary compliance.
10. With the aforesaid directions, the writ petition being **WPA 20472 of 2025** is disposed of.
11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
12. Consequently, connected applications, if any, stand disposed of.
13. Interim orders, if any, stand vacated.
14. There shall be no order as to costs.
15. 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.)