

03.02.2026
Sl. No. 19
Ct. No. 14
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/20602/2025
ASTARUL HOQUE
VS

THE STATE OF WEST BENGAL AND ORS.

Mr. Krishna Pada Santra

...for the Petitioner

Ms. Anima Das Chakraborty

...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 the interest on delayed payment of gratuity and arrear family pension from the date following the date of death of the deceased employee till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that his wife, namely, late Mst. Joshnara Khatun was an Assistant Teacher of Nimaj Ali Tala Primary School, Kathalbari, Post Office Rajnagar, Kaliachak, District Malda, who died-in-harness on 18th March, 2021. The pension payment order was issued in favour of the deceased employee on 13th December, 2021. The gratuity and arrear family pension was disbursed to the petitioner on 1st January, 2022.

However, no interest on the aforesaid amount was paid in favour of the petitioner. Hence this writ petition.

4. Ms. Arpita Saha, learned advocate for the petitioner submits that the petitioner is entitled to get the interest on delayed payment of gratuity and arrear pension from the date following the date of death of the deceased employee till the date of actual payment. She seeks for appropriate orders.
5. Despite service none appears on behalf of the State.
6. Ms. Anima Das Chakraborty, learned advocate who usually represents the State is requested to appear in this matter on behalf of the State. Let her appointment be regularised by the concerned authority.
7. Petitioner is directed to handover a copy of the writ petition alongwith all annexures to the learned advocate representing the State.
8. Ms. Chakraborty, learned advocate representing the State leaves the matter to the discretion of the Court.
9. From the contentions made in the writ petition, it is found that there is delay in disbursement of the said gratuity and arrear family 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.
10. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Malda-1 are directed to disburse the interest at the rate

of @ 8% per annum on the gratuity and arrear of family pension in favour of the petitioner by way of pensionary benefits from the date following the date death of the deceased 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.

11. 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, Malda-1 for necessary compliance.
12. With the aforesaid directions, the writ petition being **WPA 20602 of 2025** is disposed of.
13. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
14. Consequently, connected applications, if any, stand disposed of.
15. Interim orders, if any, stand vacated.
16. There shall be no order as to costs.
17. 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.)