

24.02.2026
Sl. No.33
Ct. No. 14
gd

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

WPA/20613/2025

KABITA MONDAL AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Krishna Pada Santra
...for the Petitioners

Ms. Mousumi Banerjee
...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 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 no.1 is the wife and petitioner nos.2 and 3 are the son and daughter of the deceased employee. The concerned employee joined as Assistant Teacher of Talanbandi Primary School, Post Office- Khutamuri, District-Bankura. The concerned employee died in harness on 5th November, 2021. The pension payment order was issued on 23th November, 2022. The gratuity and arrear pension was disbursed

on 23th November, 2022. However, no interest on the aforesaid amount has been paid. Hence this writ petition.

4. Mr. Krishna Pada Santra, 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 He seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Ms. Mousumi Banerjee, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Ms. Banerjee 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 Ms. Banerjee, learned Advocate for the State.
8. Ms. Banerjee, 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 petitioners. 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 petitioners are entitled to interest on the aforesaid amount.
11. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Khatra are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension in favour of the petitioners as per their entitlement and to the extent of their share by way of pensionary benefits 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, Khatra for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 20613 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.)