

07.04.2026
Sl. No.21
Ct. No.14
gd

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

WPA/21777/2025
MAYA HAZRA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sudipta Maiti

...for the Petitioner.

Mr. Sabyasachi Mukherjee

...for the State.

1. Report filed by the State furnished by District Inspector of Schools (Primary Education), Paschim Medinipur dated 18th November, 2025 is taken on record.
2. By the present writ petition, the petitioner seeks direction upon respondent authorities to disburse the interest amount towards the pensionary benefits including arrear family pension till the date of actual disbursement of the amount at the rate of 18% per annum.
3. The petitioner contends that her husband was an approved Assistant Teacher of Uttar Maguria Prathamik Vidyalaya, P.O. Maguria, District Paschim Medinipur who died-in-harness on 9th November, 1979. The petitioner is the widow of the deceased employee. The petitioner submitted duly filled in pension booklet before the appropriate authority and pension payment order was issued on 15th March, 2012. The arrears of family

pension was disbursed to the petitioner on 31st May, 2012. However, no interest was paid. Hence, this writ petition.

4. Mr. Sudipta Maiti, learned advocate appearing for the petitioner submits that as per the notification dated 15th June, 1990 followed by the notification dated 1st November, 2010, the petitioner is entitled to interest on the arrear family pension. He seeks for appropriate orders.
5. Mr. Sabyasachi Mukherjee, learned advocate appearing for the State submits that there is delay of only eight months in disbursement of the family pension and as such the petitioner is not entitled to receive interest.
6. Memorandum dated November, 1, 2010 issued by the School Education Department, Budget Branch, Government of West Bengal pertains to pension/family pension in respect of the employees who retired or died-in-harness prior to 1st April, 1981. Admittedly, the deceased employee died in harness prior to 1st April, 1981. Paragraph 4 of the said Memorandum provides inter alia, that the financial benefit may be given with effect from 15th June, 1990 or from the date of application for pension/family pension whichever is later.
7. The family pension has been allowed in favour of the petitioner on 15th March, 2012.
8. 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**).

9. In the present case, the petitioner cannot state with any certainty the date of application for pension/family pension.
10. Accordingly, the petitioner is entitled to get interest on the arrear family pension from 15th June, 1990 till the date of issuance of pension payment order.
11. Hence, respondent no. 2, the Director of Pension, Provident Fund & Group Insurance and respondent no. 3, the Treasury Officer, Ghatal, Paschim Medinipur are directed to pay interest to the petitioner @ 8% per annum on the amounts released in favour of the petitioner by way of pensionary benefits on and from 15th June, 1990 till the date of issuance of the pension payment order.
12. Learned advocate for the petitioner is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund & Group Insurance and respondent no. 3, the Treasury Officer, Ghatal, Paschim Medinipur for necessary compliance.
13. With the above directions, the writ petition being no. **WPA 21777 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.

15. Consequently, connected applications, if any, also stand disposed of.
16. Interim orders, if any, stand vacated.
17. There will be no order as to costs.
18. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)