

07.04.2026
Sl. No.31
Ct. No.14
ss

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

W.P.A. No. 21821 of 2025

**Mamoni Saha & ors.
Versus
The State of West Bengal & Ors.**

Mr. Krishna Pada Santra

...for the Petitioners.

Mr. Bipin Ghosh

...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 and the petitioner nos.2 and 3 are the daughters of the deceased employee, namely, Late Bidyut Kumar Saha, who was an Assistant Teacher in Dhemnmora Primary School, P.O. Panchmura, District Bankura, and died-in-harness on 27th December, 2021. The pension payment order was issued in favour of the petitioners on 7th February, 2023. The gratuity and arrear pension was disbursed in favour of the petitioners on 7th February, 2023. However, no

interest on the aforesaid amount has been paid in favour of the petitioners. Hence this writ petition.

4. Mr. Krishna Pada Santra, 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. He seeks for appropriate orders.
5. Despite service, none appears on behalf of the State.
6. Mr. Bipin Ghosh, learned advocate, who usually appears for the State, is requested to appear in this matter. Let his appointment be regularised by the competent authority.
7. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Mr. Ghosh, learned advocate for the State.
8. Mr. Ghosh, 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. 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.

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, Bishnupur 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. Such payment is to be made within a period of eight weeks from the date of communication of this order, in accordance with law but to the extent of their shares and entitlement.
12. 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, Bishnupur, for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 21821 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.)