

07.04.2026
Sl. No.35
Ct. No.14
ss

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

W.P.A. No. 21894 of 2025

**Chhabi Banerjee
Versus
The State of West Bengal & Ors.**

Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Arun Kr. Saha

...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 interest on delayed payment of gratuity and arrear pension amount from the date following the date of retirement of the concerned employee till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that her husband was as an approved Head Teacher of Choutara Paschim Para Primary School, P.O. Routhpur, District Hooghly, who retired from service on 31st October, 1991 and expired on 5th September, 2011. The pension payment order was issued on 14th March, 2002. The gratuity and arrear pension amount was disbursed on 1st November, 2002. However, no interest on the aforesaid amount has been paid. Hence, this writ petition.

4. Mr. Banshi Badan Maity, learned advocate for the petitioner submits that there is a delay in disbursement of the gratuity and arrear pension amount and as such the petitioner is 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. Arun Kr. Saha, 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. Saha, learned advocate for the State.
8. Mr. Saha, learned Advocate for the State leaves the matter to the discretion of the 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 to the employee

forthwith, failing which the employee is 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. 4, the Treasury Officer, Hooghly-I 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 petitioner by way of pensionary benefits from the date following the date of retirement of the husband of the petitioner 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 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. 4, the Treasury Officer, Hooghly-I, for necessary compliance.
13. With the aforesaid directions, the writ petition being **WPA 21894 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.)