

10.02.2026
Sl. No.47(DL)
Ct. No.14
srm

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

W.P.A. No. 22199 of 2025

Jhuma Das & Anr.

Versus

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

...for the Petitioners.

Mr. Raja Ram 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 for 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 deceased employee till the date of actual payment @ 18% per annum. The deceased employee is the husband of the petitioner No.1 and father of the petitioner No.2.
3. The deceased employee is the husband of the petitioner No.1 and father of the petitioner no.2, who died-in-harness on 10th February, 2016. The deceased employee was an approved Assistant Teacher of Chataberia F.P. School, P.O. Chataberia, District-South 24-Parganas. The Pension Payment Order was issued on 4th June, 2018. The gratuity and arrear pension was received by the petitioners on 1st September, 2018. However, no

interest has been paid to the petitioners. Hence, this writ petition.

4. Mr. Krishna Pada Santra, learned Advocate for the petitioners submits that there is delay in making payment of gratuity and arrear pension. The petitioners are entitled to get interest on the said amount from the date following the date of death of the deceased employee till the date of actual payment.
5. Despite service, none appears on behalf of the State.
6. Mr. Raja Ram Banerjee, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Raja Ram Banerjee be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Mr. Banerjee, learned Advocate for the State respondents.
8. Mr. Banerjee, 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 contention made in the writ petition, it is found that the petitioners received the gratuity and arrear pension after 19 months of the death of the

employee. Hence the petitioner is entitled to interest of the aforesaid amount.

11. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Baruipur, South 24-Parganas are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioners from the date following the date of death of the deceased employee till the date of actual payment within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioners is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Baruipur, South 24-Parganas, for necessary compliance.
13. With the above direction, the writ petition being **WPA 22199 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

19. 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.)