

10.02.2026
Sl. No.45(DL)
Ct. No.14
srm

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

**W.P.A. No. 22158 of 2025
Tapan Kumar Chowdhury
Versus
The State of West Bengal & Ors.**

Mr. Krishna Pada Santra

...for the Petitioner.

Ms. Tanim Sengupta

...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 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 retirement till the date of actual payment @ 18% per annum.
3. The petitioner contends that he was the Head Teacher of Tilasata Kulbedya Primary School, P.O. Besora, District-Bankura. The petitioner retired from service on superannuation on 31st January, 2020. The Pension Payment Order was issued on 3rd September, 2021. The gratuity and arrear pension was received by the petitioner on 13th September, 2021. However, no interest has been paid to the petitioner. Hence, this writ petition.
4. Mr. Krishna Pada Santra, learned Advocate for the petitioner submits that there is delay in making

payment of gratuity and arrear pension. The petitioner is entitled to get interest on the said amount from the date following the date of his retirement till the date of actual payment.

5. Despite service, none appears on behalf of the State.
6. Ms. Tanim Sengupta, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Ms. Tanim Sengupta be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexure be served upon Ms. Sengupta, learned Advocate for the State respondents.
8. Ms. Sengupta, 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 petitioner received gratuity and arrear pension after 18 months of his retirement. It is the bounden duty of the State to pay pension and retiral dues to the employee forthwith, failing which the employee is entitled to get interest on such delayed payment.

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, Bankura are directed to disburse interest @ 8% per annum on the gratuity and arrear pension in favour of the petitioner from the date following the date of his retirement till the date of actual payment within a period of eight weeks from date of communication of this order.
12. Learned advocate for the petitioner 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, Bankura, for necessary compliance.
13. With the above direction, the writ petition being **WPA 22158 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.)