06.10.2026
Sl. No.46
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26457 of 2026

Rita De & ors.
Versus
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
...for the Petitioners

Mr. Snehansu Majumder
...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 of death of the concerned employee till the date of actual payment at the rate of 18% per annum.

3. The petitioners contend that the deceased employee is the husband of the petitioner no.1 and father of the petitioner nos.2 and 3. The concerned employee was an Assistant Teacher in Barasat Primary School, Village Barasat, P.O. Haripukuria, Police Station Haringhata, District Nadia, who died-in-harness on 11th February, 2016. The pension payment order was issued on 6th November, 2017. The gratuity and arrear pension was disbursed on 1st December, 2017. 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. Learned Advocate for the State leaves the matter to the discretion of the Court.

6. At the outset, it is found that 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).***

7. 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.

8. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 3, the

Treasury Officer, Kalyani, 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 concerned employee till the date of actual payment, to the extent of their shares and entitlement. Such payment is to be made within a period of eight weeks from the date of communication of this order.

9. Learned advocate appearing for the petitioners 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, Kalyani for necessary compliance.

10. With the aforesaid directions, the writ petition being **WPA 26457 of 2026** is disposed of.

11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

12. Consequently, connected applications, if any, stand disposed of.

13. Interim orders, if any, stand vacated.

14. There shall be no order as to costs.

15. 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.)