06.10.2026
Sl. No.52
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 28156 of 2026

Nepal Chandra Adhikari
Versus
The State of West Bengal & Ors.

Mr. Goutam Malik
...for the Petitioner

Mr. Sourav Sengupta
Ms. Tanusree 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 petitioner 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 petitioner contends that his wife late Manju Das was a Head Teacher in Kalidasdih Primary School, P.O. Kalidasdih, District Purlia, who died-in-harness on 27th April, 2021. The pension payment order was issued on 15th June, 2022. The gratuity and arrear pension was disbursed on 10th July. 2022. However, no interest on the aforesaid amount has been paid in favour of the petitioner. Hence, this writ petition.

4. Mr. Goutam Malik, 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 the State is unrepresented.

6. Mr. Sourav Sengupta, learned Advocate who usually appears on behalf of the State-respondents is requested to appear in this matter with junior of his choice. Let their appointment be regularised by the competent authority.

7. Learned Advocate for the petitioner is directed to hand over copy of the writ petition along with its annexures upon learned Advocate for the State.

8. Mr. Sengupta, learned Advocate for the State leaves the matter to the discretion of this Court.

9. 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).***

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. 3, the Treasury Officer, Purulia, 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 death of the concerned employee 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 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, Purulia for necessary compliance.

13. With the aforesaid directions, the writ petition being **WPA 28156 of 2026** 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.)