06.10.2026
Sl. No.53
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25927 of 2025

Archana Pathak & ors.
Versus
The State of West Bengal & Ors.

Mr. Arunava Pati
Mr. S. C. Dhara
...for the Petitioners

Mr. Brijendra Pratap Singh
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 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 namely, Late Debasis Pathak was a Head Teacher in Bhalukbasa Primary School, P.O. Brahmandiha, District Bankura, who died-in-harness on 25th March, 2021. The pension payment order was issued on 3rd January, 2023. The gratuity and arrear pension was disbursed on 13th January, 2023. However, no

interest on the aforesaid amount has been paid in favour of the petitioners. Hence, this writ petition.

4. Mr. Arunava Pati, 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. Despite service the State is unrepresented.

6. Mr. Brijendra Pratap Singh, 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. Singh, learned Advocate for the State leaves the matter to the discretion of this Court.

9. 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.

10. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 4, the Treasury Officer, Khatra, 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.

11. 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. 4, the Treasury Officer, Khatra for necessary compliance.

12. With the aforesaid directions, the writ petition being **WPA 25927 of 2025** is disposed of.

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

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

15. Interim orders, if any, stand vacated.

16. There shall be no order as to costs.

17. 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.)