06.10.2026
Item No. 54
Ct. No. 14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29065 of 2025

Sri Dilip Kumar Manna
vs.
State of West Bengal & ors.

Mr. Sourav Mitra
Ms. Sanchayita De
... for the petitioner

Mr. Sourav Sengupta
Ms. Renesa Dey
... 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 direction upon the respondent authorities to disburse the interest amount towards the pensionary benefits including the arrear family pension from the date of entitlement of the mother of the petitioner till the date of actual disbursement of the amount together with interest at the rate of 18% per annum.

3. The petitioner contends that his father late Gobinda Prasad Manna was an Assistant Teacher in Kumirda New Primary School. P.O. Marishda, District Purba Medinipur, who died in harness on 25th February, 1985. The mother of the petitioner died on 21st January, 2022. The pension payment order was issued on 10th December, 2012. The arrear of pension

was paid to the mother of the petitioner on 18th February, 2013. However, during her lifetime no interest on arrear family pension was paid. The petitioner approached the concerned authority for payment of interest on the delayed payment of pension. Since no steps were taken by the authority concerned, the petitioner is constrained to file the present writ for appropriate relief.

4. Mr. Sourav Mitra, learned advocate appearing for the petitioner submits that the mother of the petitioner though received family pension, no interest was paid. The petitioner is entitled to receive arrear family pension from the date of entitlement of the mother of the petitioner, i.e. 26th February, 1985 till the date of actual payment.

5. Despite service none appears for the State.

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

7. Learned advocate for the petitioner is directed to handover a copy of the writ petition alongwith all annexures upon the learned advocate representing the State.

8. Learned advocate representing the State does not raise any objection and leaves the matter to the discretion of this Court.

9. It is settled proposition of law that in the event of delay in releasing of the pensionary benefits to a retired employee or to a legal heir of a deceased employee, interest at a reasonable rate should be paid to compensate the delay in releasing the pensionary benefits. This is not punitive but purely compensatory.

10. In view of the above, respondent no. 2, the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal and respondent no. 3, the Treasury Officer, Contai, Purba Medinipur are directed to pay to the petitioner the interest @ 8% per annum on the amounts released 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, within a period of eight weeks from the date of communication of this order.

11. Learned advocate for the petitioner is directed to communicate this order to respondent no. 2, the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal and also respondent no. 3, the Treasury Officer, Contai for necessary compliance.

12. With the above directions, the writ petition being no. ***WPA 29065 of 2025*** stands disposed of.

13. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.

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

15. Interim orders, if any, stand vacated.

16. There will be no order as to costs.

17. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)