

23.02.2026
Sl. No.18(DL)
Ct. No.14
srm

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

W.P.A. No. 29296 of 2025

Madhabi Jana

Versus

The State of West Bengal & Ors.

Ms. Sudipa Banerjee

...for the Petitioner.

Ms. Sukla Das Chandra

...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 for disbursement of interest on delayed payment of arrear family pension amount from 15th June, 1990 till the date of actual payment @ 18% per annum in favour of the petitioner.
3. The petitioner contends that her husband was an Assistant Teacher of Depal Vidyasagar Primary School, P.O. Depal, District Purba Medinipur. The husband of the petitioner died in-harness on 3rd November, 1970. The pension payment order was issued on 16th October, 2012. The arrear family pension amount was disbursed to the petitioner on 1st January, 2013. However, no interest on delayed

payment of arrear family pension has been paid.
Hence, this writ petition.

4. Ms. Sudipa Banerjee, learned Advocate appearing for the petitioner submits that since there was delay in disbursement of the arrear family pension amount, the petitioner is entitled to interest as per notification from 15th June, 1990 till the date of actual payment.
5. Ms. Sukla Das Chandra, learned Advocate for the State leaves the matter to the discretion of the Court.
6. 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**).
7. The memorandum dated 1st November, 2010 of School Education Department, Budget Branch, Government of West Bengal pertains to family pension in respect of employees who retired or died-in-harness prior to 1st April, 1981. The said memorandum provides, *inter alia*, that financial benefit may be given with effect from 15th June, 1990 or from the date of application for pension/family pension whichever is later.
8. It is found from the contention in the writ petition that there is delay in disbursement of the arrear

family pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.

9. Accordingly, the respondent No.2, Director of Pension, Provident Fund and Group Insurance as well as respondent No.4, Treasury Officer, Contai, Purba Medinipur is directed to disburse interest @ 8% per annum on the arrear family pension amount in favour of the petitioner on and from 15th June, 1990 till the date of actual payment, within a period of eight weeks from the date of communication of this order.
10. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.2, Director of Pension, Provident Fund and Group Insurance and respondent No.4, Treasury Officer, Contai, Purba Medinipur, for necessary compliance.
11. With the aforesaid direction, the writ petition being **WPA 29296 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)