

28.04.2026
Sl. No. 133
Ct. No. 14
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/29401/2025
SADHAN KUMAR BHUNIA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Dilip Kumar Sadhu

...for the Petitioner

Mr. Bipin Ghosh

...for the State

1. Report filed on behalf of the State respondents is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities for disbursement of interest on arrear family pension from the date of entitlement till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that his father late Rajendra Bhunia was an Assistant Teacher of Sukrullapur Primary School, Post Office Sukrullapur, District Purba Medinipur, who died-in-harness on 25th October, 1970. The pension payment order was issued on 22nd March, 2012. The family pension was granted to the widow of the deceased employee Kajallata Bhunya on 22nd March, 2012. The mother of the petitioner died on 9th March, 2018. The arrear of family pension was received on 19th April, 2012. However, no interest on the aforesaid amount has

been paid in favour of the petitioner. Hence this writ petition.

4. Mr. Dilip Kumar Sadhu, learned advocate for the petitioner submits that there is a delay in disbursement of the arrear family pension and as such the petitioner is entitled to receive interest on the delayed payment of arrear family pension. He seeks for appropriate orders.
5. Mr. Bipin Ghosh, learned advocate representing the State submits that since the concerned employee died on 25th October, 1970, while in service, the family pension case is of pre-1981. As per the G.O. No. 539-SE (P & B) / SL-SS-61 / 10(Pt) dated 1st November, 2010, the interest may be granted from the date of issuance of such government order and not prior to that.
6. Though there is delay in making such claim, however, the 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. As per the G.O. No. 539-SE (P & B) / SL-SS-61 / 10(Pt) dated 1st November, 2010 the pensionary benefits were extended to the widows under the DCRB Scheme, 1981 in respect of such employees who retired or died-in-harness prior to 1st April, 1981, if the concerned employees rendered at least one year's

approved qualifying service in the West Bengal Non-Government Aided Educational Institutions. The financial benefit was given effect from 15th June, 1990 or from the date of application for pension / family pension, whichever is later. Needless to mention nothing has been demonstrated regarding the date of application for family pension. Accordingly, the petitioner will be entitled to interest on the arrear of family pension given from 15th June, 1990 till the date of actual payment.

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, Egra are directed to disburse the interest at the rate of @ 8% per annum on the arrear family pension in favour of the petitioner to the extent of his entitlement and share as per the pension payment order dated 22nd March, 2012 with effect from 15th June, 1990 till the date of actual payment of the arrear family pension. 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 petitioner 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, Egra for necessary compliance.

10. With the aforesaid directions, the writ petition being **WPA 29401 of 2025** 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.)