

16.06.2026
Sl. No.7(DL)
Ct. No.6
srm

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

**W.P.A. No. 860 of 2026
Samriti Dhar Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Debjajit Kundu

...for the Petitioner.

Ms. Supriya Singh,
Mr. Samar Rakshit

...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 gratuity from the date of entitlement till the date of actual payment @ 18% per annum.
3. The petitioner contends that her husband was an Assistant Teacher of Tufanganj New Town Netaji Vidyalaya, District-Cooch Behar, who died-in-harness on 17th June, 2021. The Pension Payment Order was issued on 17th May, 2022. The gratuity was received by the petitioner on 25th May, 2022. However, no interest has been paid to the petitioner. Hence, this writ petition.

4. Mr. Debajit Kundu, learned Advocate for the petitioner submits that there is delay in disbursement of gratuity and as such the petitioner is entitled to receive interest on the delayed payment of gratuity. He does not press for prayer (b) of the writ petition for interest on delayed payment of arrear pension.
5. Mr. Samar Rakshit, 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 versus Tarsem Singh*** reported in **(2008) 3 SCC 648**]
7. From the aforesaid contentions made in the writ petition, it is found that there is considerable delay in disbursement of the gratuity. 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.
8. Accordingly, respondent No.2, the Director of Pension, Provident Fund and Group

Insurance and respondent No.4, the Treasury Officer, Tufanganj, Cooch Behar, are directed to disburse interest @ 8% per annum on the gratuity in favour of the petitioner by way of pensionary benefits from the date following the date of death of petitioner's husband till the date of actual payment. Such payment is to be made within a period of six weeks from date of communication of this order.

9. Learned advocate for the petitioner is directed to communicate this order to respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.4, the Treasury Officer, Tufanganj, Cooch Behar, for necessary compliance.
10. With the above direction, the writ petition being **WPA 860 of 2026** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
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.)