

15.06.2026
Sl. No.23
Ct. No.6
gd

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

**WPA/840/2026
PRANESH SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.**

Ms. Taniya Bhowmik
..for the Petitioner.

Ms. Supriya Singh
Ms. Esha Acharya
..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 on gratuity and arrear pension amount from the date following the date of death of the concerned employee till the date of actual payment at the rate of 18% per annum.
3. The petitioner contends that his wife, was an Assistant Teacher of Uttar Khapaidanga High School, District-Coochbehar. The petitioner's wife died in harness on 5th January, 2014. The pension payment order was issued on 24th October, 2019. The gratuity and arrear pension was disbursed on 20th January, 2020. However, no interest on the aforesaid

amount has been paid. Hence this writ petition.

4. Ms. Taniya Bhowmik, learned advocate for the petitioner submits that there is a delay in disbursement of the aforesaid amount and as such the petitioner is entitled to receive interest on the delayed payment of gratuity and arrear pension She seeks for appropriate orders.
5. Ms. Supriya Singh, learned advocate for the State leaves the matter to the discretion of this Court.
6. Though there is delay in making such claim, however, delay *per se* cannot defeat the valuable right of the petitioners. 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. It is found from the contention in the writ petition that there is delay in disbursement of the gratuity and arrear pension amount. Hence, the petitioner is entitled to interest on the aforesaid amount.
8. Accordingly, respondent no. 2, the Director of Pension, Provident Fund and Group Insurance, West Bengal and respondent no.

3, the Treasury Officer, Coochbehar-II are directed to disburse the interest at the rate of @ 8% per annum on the gratuity and arrear of pension from the date following the date of death of the concerned employee till the date of actual payment. 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, Coochbehar-II, for necessary compliance.

10. With the aforesaid directions, the writ petition being **WPA 840 of 2026** is 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. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. 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.)