

16.06.2026
Sl. No.23(DL)
Ct. No.6
srm

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

**W.P.A. No. 891 of 2026
Dibakar Roy
Versus
The State of West Bengal & Ors.**

Ms. Taniya Bhowmik
...for the Petitioner.

Ms. Supriya Singh,
Ms. Rajni Singh Dev
...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 and arrear pension from the date of entitlement till the date of actual payment @ 18% per annum.
3. The petitioner contends that his wife was an Assistant Teacher of Birpara under Pararpar Primary School, District-Alipurduar, who died-in-harness on 18th March, 2017. The first Pension Payment Order was issued on 17th February, 2020. The revised Pension Payment Order was issued under ROPA, 2019 on 21st January, 2021. The revised gratuity and arrear pension as per ROPA, 2019 was disbursed on 28th January, 2021.

However, no interest has been paid. Hence, this writ petition.

4. Ms. Taniya Bhowmik, learned Advocate for the petitioner submits that the petitioner is entitled to interest on the aforesaid amount from the date of effect of ROPA 2019 i.e. 14th February, 2020. She seeks for appropriate orders.
5. Ms. Rajni Singh Deb, 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 contentions made in the writ petition, it is found that the petitioner is entitled to revised gratuity and arrear pension under ROPA 2019 with effect from 14th February, 2020. The revised gratuity and arrear pension amount was disbursed to the petitioner belatedly. In view of the above, the petitioner is entitled to receive

interest on revised gratuity and arrear from date of effect of ROPA 2019.

8. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and respondent No.3, the Treasury Officer, Alipurduar are directed to disburse the interest @ 8% per annum on the revised gratuity and arrear pension from the date of effect of ROPA, 2019 i.e. 14th February, 2020 till the date of actual payment in favour of the petitioner 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.3, the Treasury Officer, Alipurduar, for necessary compliance.
10. With the above direction, the writ petition being **WPA 891 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.)