

18.06.2026
Sl. No.26(DL)
Ct. No.6
srm

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

**W.P.A. No. 946 of 2026
Subir Kumar Ray @ Subir Kr. Ray
Versus
The State of West Bengal & Ors.**

Mr. Debajit Kundu

...for the Petitioner.

Mr. Arijit Ghosh,
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 @ 18% per annum from date following the date of retirement till the date of actual payment.
3. The petitioner contends that he was a Panchayat Karmee of Jharalta Gram Panchayat-II, Village & P.O.-Khaltimari, District-Jalpaiguri. The petitioner retired from service on superannuation on 31st January, 2020. The Pension Payment Order was issued on 8th October, 2020. The pensionary benefits including gratuity and arrear pension was disbursed to the petitioner on 3rd February, 2021. However, no interest on delayed payment of gratuity and arrear

pension amount was disbursed in favour of the petitioner. Hence, this writ petition.

4. Mr. Debajit Kundu, learned Advocate for the petitioner submits that the petitioner is entitled to get retiral benefits from the date following the date of his retirement. The gratuity and arrear pension amount was paid to the petitioner after lapse of more than one year. As such the petitioner is entitled to receive interest on such delayed payment of gratuity and arrear pension.
5. Mr. Arijit Ghosh, 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 contention made in the writ petition, it is found that the petitioner retired from service on superannuation on 31st January, 2020. The amount towards gratuity and arrear pension amount has been disbursed on 3rd February, 2021. As such there is delay in disbursement of the aforesaid amount. Hence, the petitioner is entitled to interest on the aforesaid amount of gratuity and arrear pension.
8. In view of the above, respondent No.2, the Director of Pension, Provident Fund and Group Insurance and

respondent No.4, the Treasury Officer, Jalpaiguri-II, are directed to disburse interest @ 8% per annum on gratuity and arrear pension amount in favour of the petitioner from the date following the date of retirement till the date of actual payment 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, Jalpaiguri-II, for necessary compliance.
10. With the above direction, the writ petition being **WPA 946 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. 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.)