

Form No.J(2)
Sl. No. 22
S.Barman

**In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present: The Hon'ble Justice Aniruddha Roy

WPA 1717 OF 2026

Lal Choudhury

Vs.

The State of West Bengal & Ors.

For the Petitioner : Ms Taniya Bhoumik, Adv.
Ms. Amrita Maji, Adv.

For the Respondent State : Ms. Radhika Agarwal, Adv.
Ms. Somdutta Patra, Adv.

Heard on : August 14, 2026

Judgment on : August 14, 2026

[In Court]

Aniruddha Roy, J.

Affidavit-of-service, filed in Court today, is taken on record.

Ms. Taniya Bhoumik, learned Advocate appears for the petitioner.

Ms. Radhika Agarwal, learned Advocate with Ms. Somdutta Patra appears for the respondents State.

The father of the petitioner was an approved Assistant Teacher of Adarsha Vidyamandir High School, District - Jalpaiguri. He had retired from

his employment on 31.07.2006. The husband of the petitioner died on 05.09.2015.

The Pension Payment Order was issued by the concerned respondent on 27.06.2006. The petitioner had received pension and gratuity under the Pension Payment Order on 10.09.2006. The petitioner was entitled to pensionary benefit from the date of retirement, the same was not paid.

The petitioner now claims interest for the delayed payment of the said gratuity and arrear pension on and from 01.08.2006.

It is trite that, the pension, which is lawfully payable to an employee is its property and if there is any delay in making such payment and the disbursement thereof in favour of such employee, such an employee is eligible and entitle to receive interest.

In view of the above, the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer are directed to pay interest on the gratuity and on arrear pension @ 8% per annum on and from 14.02.2020 till the date of actual payment being received by the petitioner in terms of the Pension Payment Order. The entire exercise as directed above, shall be carried out and completed positively by the respondents and or the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer within a period of eight weeks from the date of communication of this order. In default, the said arrear amounts and the entitlement of the petitioner shall carry an additional interest of 2% per annum till the date the petitioner actually receives the same. Since affidavits are not called for, the allegations made in the writ

petition are deemed not to have been admitted by the respondents. On the above terms, this writ petition being WPA 1717 of 2026 stands disposed of, without any order as to costs.

Urgent Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)

S. Barman, P.S.