

08.04.2026
Item No.03
Court No.11
Avijit Mitra

**FMA 400 of 2026
with
IA No.CAN 1 of 2026**

**Smt. Ranu Chatterjee & ors.
- versus -
State of West Bengal & ors.**

Mr. Prasenjit Mukherjee,
Ms. Sima Ghosh
...for the appellants
Mr. Supriyo Chattoapadhyay, AGP,
Mr. Gourav Das
...for the State

The present appeal has been preferred challenging the judgment dated 28.10.2025 passed by the learned single Judge in the writ petition being WPA 4197 of 2020 which was preferred by one Chandranath Chatterjee (hereinafter referred to as Chandranath) primarily praying for the following relief:

‘A writ or writs in the nature of Mandamus commanding the state respondents or their agents and subordinates and each one of them to show cause as to why they should not be directed to release Service benefits/died-in-harness benefits i.e. Provident Fund, Gratuity etc of his brother including Pensionary amount of his mother Namita Chatterjee (now deceased) Arrear pension as NOK then in favour of your petitioner along with @ 12% interest for such delayed payment till the actual payment.’

By the order impugned, the learned single Judge refused the prayer for family pension in favour of Chandranath as he was the brother of the deceased

and did not come within the definition of family for the purpose of family pension under Clause 5(s)(2) of the Pension Scheme 1981. However, the learned single Judge was pleased to direct the respondents to disburse the provident fund and the gratuity amount accumulated in favour of the deceased teacher to the substituted writ petitioner, upon proof of her legal heirship.

Shorn of unnecessary details the facts are that on 13.01.2002, Siddhinath Chatterjee (hereinafter referred to as Siddhinath) died-in-harness while working in the post of an assistant teacher leaving behind his mother, namely Namita Chatterjee (hereinafter referred to as Namita), his wife Munmun Bhattacharjee (hereinafter referred to as Munmun), two sisters, namely, Bandana Chatterjee (hereinafter referred to as Bandana) and Debjani Chatterjee (hereinafter referred to as Debjani) and one brother, namely, Chandranath. Subsequent thereto, Munmun remarried in the year on 12.03.2003 and Namita died on 19.05.2014. Chandranath thereafter obtained a succession certificate on 13.11.2017 and claimed the pensionary benefits of his deceased brother but in vain and as such in the year 2017 he preferred a writ petition being WPA 17359 of 2017, which was disposed of by an order dated 22.06.2018 directing

the respondents to consider the documents and to process the claim of Chandranath. Pursuant thereto, the school authorities forwarded the papers on 12.10.2018 and considering the same, the Assistant Director, Directorate of Pension, Provident Fund & Group Insurance, Finance Department *vide* memo dated 09.01.2019 detailed the audit observations. As no steps were taken thereafter, Chandranath preferred the writ petition being WPA 4197 of 2020 on 16.03.2020. During pendency of the writ petition, Chandranath expired and in place and stead his heirs, namely, Ranu Chatterjee, his wife, Trombok Jogi Chatterjee, his son and Suchanda Chatterjee his daughter got substituted on the strength of an order dated 14.05.2024.

Mr. Mukherjee, learned advocate appearing for the appellants submits that the learned single Judge erred in law in not appreciating the fact that the wife of the deceased teacher remarried on 12.03.2003 and as a consequence thereof, the mother of the deceased teacher became entitled to the family pension on and from 12.03.2003 till she ultimately, expired on 19.05.2014. After Namita's death, Chandranath earned a right to avail the arrear family pension as accumulated for the period from 12.03.2003 to 19.05.2014. Such issue, as urged, was glossed over

by the learned single Judge and no finding was returned on the same.

Mr. Mukherjee further argues that the writ petition was preferred by Chandranath with a specific prayer towards disbursement of all pensionary benefits together with interest @ 12%. In view of such specific prayer and as the respondents unnecessarily delayed the disbursement of the pensionary benefits, the learned single Judge ought to have directed payment of interest for withholding of the admitted benefits since interest is not a penalty but is a normal accretion upon capital and having withheld the admitted dues, the authorities are liable to pay interest.

Mr. Das, learned advocate appearing for the State respondents, however, denies and disputes the contention of Mr. Mukherjee and submits that Namita, even after Munmun remarried on 12.03.2003, did not submit any application along with relevant documents claiming the benefits of family pension. No such document has been disclosed in the writ petition to establish that any such prayer was made and no pleading has been incorporated to that effect. In view thereof, Chandranath by filing a writ petition could not have claimed the arrears of family pension inasmuch as Namita herself did not

claim such benefits. In view thereof, the learned single Judge rightly refused Chandranath's claim for arrears of family pension.

He further submits that Chandranath himself delayed to ventilate his grievance to the authorities. Pursuant to the first order passed in the earlier writ petition on 22.06.2018, necessary papers were forwarded to the Pension Directorate by the school authorities on 12.10.2018. The file was thereafter returned with the audit observations *vide* memo dated 19.01.2019 but the objections were not met by Chandranath instead he filed the writ petition in the year 2020. The delay which thus occurred is not attributable to the State authorities and as such the claim for interest was rightly refused by the learned single Judge.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the writ petition, no document was annexed to establish that Namita at all claimed the benefits of family pension for the period from 12.03.2003 to 19.05.2014. No contemporaneous steps were taken claiming such benefits. She, in fact, was a pensioner and got the benefits on account of his deceased husband. In such circumstances, the learned single

Judge, in our opinion, rightly refused to exercise discretion and to grant the arrears of family pension for the period from 12.03.2003 to 19.05.2014 to Chandranath moreso when being the brother of the deceased, he does not come within the definition of family for the purpose of family pension under clause 5(s)(2) of the Pension Scheme 1981.

Chandranath's brother expired on 13.01.2002. Chandranath's right to claim pensionary benefits crystallised only after he obtained the succession certificate on 13.11.2017. Appropriate steps were not taken by Chandranath to answer the audit observations contained in the order dated 09.01.2019. In such circumstances, it cannot be said that the delay to settle the pension claim is totally attributable to the State authorities.

The direction in regard to the payment of interest only provides a just compensation. Payment of interest has to be taken to be within the ambit of the expression '*just*'. The Court should keep restrain before passing order saddling State Government with financial burden. In the facts and circumstances of the case we are of the view that it is inexpedient to direct the State to pay interest to the writ petitioners, as claimed.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)