

07.08.2024.
PB
Sl. No.59.
Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 19467 of 2024

**Jayanta Kumar Das
Versus
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya),
Mr. K. P. Santra.
.....for the petitioner.

Mr. Dwaipayan Sanyal.
.....for the State.

The affidavit of service filed in Court is taken on record.

The petitioner is the son of a deceased primary school teacher. The teacher refunded the employer's share of contribution in terms of the Government Order dated 13th June, 2014. Pension was paid to the teacher on and from the date of refund of the employer's share of contribution.

According to the petitioner payment ought to have been made on and from the next date of retirement and not from the date of refund.

The issue as to whether the teacher would be entitled to receive the pension on and from the date of refund of the employer's share of contribution or on

and from the next date of retirement of the teacher has been settled by this Court on 8th February, 2022 in the matter of Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors. (WPA 964 of 2022) wherein the Court held that the entitlement will be on and from the next date of retirement.

As the teacher expired on 13th January, 2024, his son has approached this Court seeking for the arrear pension which will be payable in favour of his deceased mother on and from the next date of her retirement.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), North 24 Parganas to disburse the arrear pension due to the teacher on and from 1st of December, 2005 till the date of refund of the employer's share at the earliest, but, positively within twelve weeks from the date of communication of this order.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties as early as possible.

(Amrita Sinha, J.)

