

38
01.10.2024
d.p.

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

W.P.A. 2202 of 2024

**Arun Chandra Tamang & Ors.
-versus
The State of West Bengal & Ors.**

**Ms. Sabita Khutia (Bhunya).
...For the Petitioners.**

**Ms. Bedashruti Bose,
Mr. Anirban Banerjee.
...For the State.**

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

2. The petitioners are the children of a deceased 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.

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

4. 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.

5. As the teacher expired on 19th March, 2016, his sons has approached this Court seeking the arrear pension payable in faovur of their deceased father on and from the next date of his retirement.

6. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (SE), Darjeeling to disburse the arrear pension due to the teacher on and from 1st of December, 1995 till the date of refund of the employer's share at the earliest but positively within a period of twelve weeks from the date of communication of this order.

7. The writ petition stands disposed of.

8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)