

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

W.P.A. 8057 of 2024

**Shyamal Kumar Maji
-versus
The State of West Bengal & Ors.**

**Mr. Tarapada Das
Mr. Chandan Dutta
...For the Petitioner.**

**Mr. Sumita Dey (Basu).
...For the State.**

1. The matter was taken for consideration and was disposed of on 19th November, 2025.

2. Due to some inadvertence, a wrong order was uploaded in the CIS system.

3. Today the matter has appeared in the list under the heading 'to be mentioned' for uploading the correct order in the CIS system.

4. Accordingly, the concerned Assistant Registrar (Court) is directed to delete the order dated 19th November, 2025 from the CIS and upload the correct order which is mentioned hereinbelow:-

5. The father of the petitioner was a Secondary School teacher, who retired from service on 31st October, 2003 and died on 22nd January, 2024. The wife of the deceased employee being the mother of the petitioner also died on 12th February, 2022.

6. The issue to be decided in the present writ petition is whether an employee will be entitled to receive pension on and from the date following retirement or from the date of refund of the employer's share of contribution.

7. In response to the notification published by the School Education Department being No. 749-SE(L)/SL/55-56/13(Pt-V) dated 13th June, 2014 issued in compliance of the direction passed by the Hon'ble Special Bench of this Court in the judgment dated 16th July, 2013 in the matter of District Inspector of Schools (S.E.), Kolkata Vs. Abhijit Baidya the husband of the petitioner exercised option to switch over from CPF to GPF and claims to have refunded the employer's share of contribution with interest and additional interest on 22nd September, 2014.

8. Pension Payment order was issued in favour of the father of the petitioner with effect from the date of refund of the employer's share of contribution.

9. The petitioner claims that pension ought to have been released on and from the next date of retirement and not from the date of refund of the employer's share of contribution.

10. A similar issue has been decided by this Court on 8th February, 2022 in WPA 964 of 2022 in the matter of Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors.

11. The instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, the District Inspector of Schools (SE), Paschim Bardhaman and the concerned Treasury Officer to verify the records, and in the event, it is found that the father of the petitioner exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then steps shall be taken to issue Revised Pension Payment Order in favour of the heir(s) of the deceased employee with effect from the date following the date of retirement on superannuation and to release the pension in accordance with the Revised Pension Payment Order.

12. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order. All payments shall positively be released immediately upon issuance of the Revised Pension Payment Order.

13. The writ petition stands disposed of.

14. Certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)