

03.11.2025
Item No. 11
Ct. No. 07
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 14442 of 2025
Rowfar Ali
vs.
State of West Bengal & ors.**

Mr. Prasenjit Mukherjee
Mr. Arghya Kamal Das
Mr. Raja Roy
Mr. Prasenjit Chongdar
Mr. Saptarshi Chakraborty
... for the petitioner

Mr. Abdul Hamid
Ms. Debarati Sen Bose
... for the State

Ms. Sumita Sen
Mr. Kaushik Chowdhury
... for the DPSC, Birbhum

1. Report filed by the State is taken on record.
2. By the present writ petition, the petitioner seeks direction upon respondent nos. 3, 4, 5 and 6 to disburse the monthly pensionary benefits and other retiral benefits as well as admitted dues according to the respondents within a period of one week from date.
3. The petitioner was appointed as an Assistant Teacher in a primary school under exempted category in Harirampur Primary School within Rampurhat North Circle as an untrained teacher on 27th March, 2002. Upon permission from the Chairman, Birbhum District Primary School Council dated 26th July, 2005,

the petitioner joined at Shyampahari Government P.T.T. Institute for completion of Primary Teachers' Training for the Sessions 2005-2006. The petitioner successfully completed the training on regular basis, however, due to several Court cases, the Primary Teachers' Trainee Examination, 2006 could not be held in the year 2006. Ultimately, the examination was held in the month of February, 2011 and the results were published in the month of July, 2011. The petitioner on superannuation, retired on 31st January, 2024, however, since his retirement, the petitioner has not received any pension and gratuity. Hence this writ petition.

4. Learned counsel appearing for the petitioner submits that the pensionary benefits of the petitioner has been withheld by the respondents authorities since the question whether the entitlement of the petitioner to A-Category Scale of Pay would be from the date of completion of the said course i.e. the Primary Teachers' Training Course or would be from the date of the declaration of the results, is pending before the Appeal Court. Over the issue, there is no such appeal pending. Be that as it may, the petitioner, in the present writ petition, has not claimed his pension on the basis of A-Category Scale of Pay. The petitioner seeks direction upon respondent no. 7, Director of Pension, Provident Fund, Group Insurance Finance Department, Government of West Bengal to disburse

and release the pensionary benefits of the petitioner as per his entitlement as on the date of his superannuation. He seeks for appropriate direction.

5. Learned counsel representing the State submits that the issue whether an employee will be entitled to A-Category Pay Scale from the date of completion of his course or from the date of declaration of the result is pending before the appellate court. Therefore, the pension disbursing authority is unable to disburse the pension.
6. As per submissions advanced on behalf of the petitioner, it appears that the petitioner presently is not claiming pension on the basis of A-Category Scale of Pay.
7. Upon consideration of the submission of the respective parties and materials on record, respondent no. 7, Director of Pension, Provident Fund, Group Insurance Finance Department, Government of West Bengal is directed to disburse the pensionary benefits to the petitioner with regard to his entitlement as on date of his superannuation in accordance with law within a period of four weeks from the date of communication of this order, upon verification of records.
8. Learned advocate for the petitioner is directed to communicate this order to respondent no. 7, Director of Pension, Provident Fund, Group Insurance Finance Department, Government of West Bengal, for necessary compliance.

9. With the above direction, the writ petition being no. **WPA 14442 of 2025** stands disposed of.
10. Consequently, connected applications, if any, also stand disposed of.
11. Interim orders, if any, stand vacated.
12. There will be no order as to costs.
13. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)