

06.11.2025
Sl. No.7
Ct. No.7
ss

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

W.P.A. No. 18904 of 2025

**Jatindra Nath Jana
Versus
The State of West Bengal & Ors.**

Ms. Sudipa Banerji

...for the Petitioner.

Mr. Alok Banerjee

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for direction upon the respondent nos.3, 4 and 5 for sanctioning the arrear pension in favour of the petitioner from the date of retirement till the date of sanction.
3. The petitioner contends that he retired as a Head Teacher from Dakshin Tanua Primary School, District Paschim Medinipur on 30th November, 2014. The petitioner in terms of notification dated 13th June, 2014 has exercised his option to switch over from CFP to GPF and has refunded the employer's share of contribution with interest and additional interest on 17th March, 2015. The petitioner has been granted pension from the date of refund. Hence, this writ petition praying for

arrear of pension from the date of retirement till the date of sanction of pension.

4. Ms. Sudipa Banerjee, learned Advocate appearing on behalf of the petitioner submits that as per the decision of Larger Bench in *APO No.121 of 2007*, the petitioner is entitled to arrear pension. The decision of the Larger Bench was assailed in appeal before the Hon'ble Supreme Court in *SLP No.1398 of 2020*, which has been dismissed on 5th January, 2022. She seeks for direction upon the respondent no.3, the Director of Pension, Provident Fund and Group Insurance for taking appropriate steps for disbursement of arrear of pension in terms of the decision of the Larger Bench passed on 30th September, 2019 in *APO 121 of 2007*.
5. Mr. Alok Banerjee, learned Advocate for the State leaves the matter to the discretion of this Court.
6. In view of the settled proposition as laid down by the Larger Bench on 30th September, 2019 in *APO 121 of 2007* it is found that the petitioner who has retired from service on 30th November, 2014 and the sanction of pension has been made on 28th August, 2015 is entitled to arrear pension from the date of superannuation till the date of sanction of pension.
7. Accordingly, the respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.5, Treasury Officer, Kharagpur, Paschim Medinipur are

directed to verify the records and in the event it is found that the petitioner exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then appropriate steps shall be taken to issue a Revised Pension Payment Order in favour of the petitioner 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. Such steps shall be taken within a period of four weeks from the date of communication of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.

8. For the aforesaid purpose, the District Inspector of Schools (PE), Paschim Medinipur, respondent no.4 shall process the claim for arrears of pension and forward a necessary recommendation/sanction to the Director of Pension, Provident Fund and Group Insurance expeditiously who shall act on the basis of such recommendation/sanction.
9. With the above directions, the writ petition being **WPA 18904 of 2025** stands disposed of.
10. Petitioner is directed to communicate this order to the respondent no.4, the District Inspector of Schools (PE), Paschim Medinipur for necessary action.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)