

07.11.2025
Sl. No.19
Ct. No.7
gd

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

WPA/20195/2025
SRIMOTI MAITY
VS
STATE OF WEST BENGAL AND ORS.

Ms. Sudipa Banerjee

...for the Petitioner.

Mr. Agniswar Chowdhury

...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 to sanction the arrear pension in favour of the petitioner from the date of retirement of the petitioner's husband till the date of sanction in reference to the Pension Payment Order already issued.
3. The petitioner contends that her husband was an Assistant Teacher of Dhuliapur Primary School, P.O. – Dhuliapur, District – Purba Medinipur and retired from service on 31st March, 2005. The husband of the petitioner expired on 7th January, 2018. In terms of the Notification dated 13th June, 2014 the petitioner's husband applied for conversion and deposited the entire amount of Governments' share in Contributory Provident Fund including interest and additional

interest to the concerned Treasury Office on 22nd October, 2014. The Pension Payment Order was issued on 8th April, 2015 giving effect of pension from 22nd October, 2014.

4. In such backdrop, the petitioner seeks for arrear pension with effect from date of retirement till the date of effect of the pension i.e. 22nd October, 2014.
5. Ms. Sudipa Banerjee, learned Advocate appearing on behalf of the petitioner submits that as per the decision of Larger Bench in *Md. Abdul Ghani versus State of West Bengal and Ors. (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 appropriate directions.
6. Mr. Agniswar Chowdhury, learned Advocate for the State leaves the matter to the discretion of this Court.
7. In view of the settled proposition as laid down by the Larger Bench on 30th September, 2019 in *Md. Abdul Ghani (supra)* since the petitioner's husband retired from service on 31st March, 2005 and the sanction of pension has been made on 8th April, 2015, hence the petitioner is entitled to arrear pension from the date of superannuation till the date of sanction of pension.
8. Accordingly, the respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.5, the

Treasury Officer, Tamluk, Purba 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.

9. For the aforesaid purpose, the District Inspector of Schools (PE), Purba 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.
10. With the above directions, the writ petition being **WPA 20195 of 2025** stands disposed of.
11. Petitioner is directed to communicate this order to the respondent no.4, the District Inspector of Schools (PE), Purba Medinipur for necessary action.

12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)