

19-11-2025
Item No.1209 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21713 of 2023
Santanu Banerjee & Anr.

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)
Mr. K.P. Santra ...for the petitioners

Mr. Avishek Prasad ...for the State

1. Affidavit of service filed in Court be taken on record.
2. The petitioners are the sons of a deceased secondary 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 No.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 September 6, 2016, his sons have approached this court seeking for the arrear pension which will be payable in favour 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), Purulia to disburse the arrear pension due to the teacher on and from 1st August, 2001 till the date of refund of the employer's share at the earliest but positively within twelve weeks from the date of communication of this order.
7. The writ petition is disposed of.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

