

4th Nov., 2025
Item no.M/L 83
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 24430 of 2025**

In the matter of :

Arati Kapas

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Mr. Banshi Badan Maity

....Advocate

For the State:

Mr. Subhankar Das

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. 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.
3. The husband of the petitioner retired from service on attaining the age of superannuation on 31st October, 2001 and died on 17th January, 2020.
4. In response to the notification published by the School Education Department being No. 79-SE(L)/SL/5S-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 refunded the employer's share of

contribution with interest and additional interest on 16th September, 2014.

5. Pension Payment order was issued in favour of the husband of the petitioner with effect from the date of refund of the employer's share of contribution.
6. The petitioner claims that pension ought to have been released on and from the next date of retirement of the husband of the petitioner and not from the date of refund of the employer's share of contribution.
7. A similar issue has been decided by this Court in WPA 964 of 2022 in the matter of Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors.
8. The judgment passed in the aforesaid matter on 8th February, 2022 will cover the present writ petition.
9. As the teacher died in the meantime, accordingly, the revised pension payment order is required to be issued in favour of the widow of the deceased employee.
10. The instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, District Inspector of Schools (SE), Paschim Medinipur and the concerned Treasury Officer to verify the records, and in the event, it is found that the husband 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 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.

11. 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.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)