

12.11.2025
Sl. No.38
Ct. No.14
gd

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

WPA/24895/2025
MD. MOFIZUDDIN AHMED
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Wasim Ahmed

Ms. Hehabuddin

...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 following the date of retirement till the date of sanction in reference to the Pension Payment Order (Annexure P-2).
3. The petitioner contends that he was Teacher-in-Charge from Model Girls High Madrasah, P.O. – Dholahat, District – South 24-Parganas and retired from service on and from 31st January, 2012. On 5th November, 2014 the petitioner refunded the entire amount of Government's share in Contributory Provident Fund. Upon such deposit, the Pension Payment Order was issued on 5th June, 2015 with

effect from 5th November, 2014. The petitioner seeks for disbursement of arrear pension following the date of retirement till the date of sanction.

4. Mr. Banshi Badan Maity, learned Advocate seeks for appropriate direction upon respondent authorities for disbursement of the arrear pension.
5. Mr. Wasim Ahmed, learned advocate for the State leaves the matter to the discretion of the court.
6. It is found that the petitioner retired on 31st January, 2012. However, the pension has been given effect from 5th November, 2014 i.e. the date on which the refund of employer's share of Contributory Provident Fund was made. The petitioner is entitled to pension following the date of retirement.
7. 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, Diamond Harbour 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 respondent No.4, District Inspector of Schools (S.E.), South 24 Parganas 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. Learned advocate for the petitioner is directed to communicate this order to the respondent no.3 and the respondent no.5.
10. With the above direction, the writ petition being **WPA 24895 of 2025** stands disposed of.
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.)