

12th Dec. 2025
Item no.13
Subrata
Bhattacharyya
AR(C)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA No.25350 of 2024**

In the matter of :
Ananda Gopal Saha *.... Petitioner*
VS.
State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Ronit Naskar
Mr. Sagnik Mukherjee
Mr. Indranil Banerjee *....Advocates*

For the State:
Mr. Rameshwar Sinha *...Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The wife of the petitioner was a Secondary School teacher who retired from service on 31.01.2007 and expired on 21.04.2021.
3. 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.
4. According to the petitioner, payment ought to have been made on and from the next date of retirement and not from the date of refund.
5. 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 964 of 2022) wherein the Court held that the entitlement will be on and from the next date of retirement.

6. As the teacher expired on 21st April, 2021, her husband has approached this Court seeking the arrear pension payable in favour of the deceased teacher on and from the next date of her retirement.
7. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (SE), Birbhum to disburse the arrear pension due to the teacher on and from the next date of her retirement till the date of refund of the employer's share at the earliest but positively within a period of twelve weeks from the date of communication of this order.
8. The writ petition stands disposed of.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)