

02.12.2025
Sl. No.3
Ct. No.14
gd

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

WPA/25816/2025
GOPAL CHANDRA SAHA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Ms. Sumitra Das

...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 an Assistant Teacher of Metropolitan Institution (Main) Boys Primary School and retired from service on and from 31st October, 2009. The petitioner refunded the entire amount of Government share of Contributory Provident Fund including interest and additional interest to the concerned Treasury Office on 18th October, 2014. Upon deposit of the said amount Pension Payment Order was issued on 21st August,

2015 with effect from 18th October, 2014. The petitioner seeks for disbursement of arrear pension from the date following the date of retirement till the date of sanction.

4. Mr. Banshi Badan Maity, learned Advocate seeks for appropriate direction for disbursement of the arrear pension.
5. Ms. Sumitra Das, learned advocate for the State submits that the petitioner received pensionary benefits in terms of the Notification dated 13th June, 2014. The said employee is entitled to pension in accordance with law with effect from the date of refund. Therefore, there is no illegality in the order passed. She files report dated 18th November, 2025 of District Inspector of Schools (Primary Education), Kolkata, respondent no.4, which is taken on record.
6. In view of the decision of the 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.
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, Barasat-II, District-North 24-Parganas 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 (P.E.), Kolkata 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 25816 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.)