

07
21.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 30025 of 2024

**Shibamoy Chakraborti @ Sibamoy Chakraborty
& Anr.
-versus
The State of West Bengal & Ors.**

**Ms. Sabita Khutia (Bhunya),
Ms. Krishnapada Santra,
Ms. Arpita Saha.
...For the Petitioners.**

**Mr. Jahangir Hossain.
...For the State.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner no.1 is the husband and the petitioner no.2 is the son 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 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 20th April, 2020 her heirs and legal representatives have approached this Court seeking for the arrear pension which will be payable in favour of the deceased teacher on and from the next date of her retirement.

6. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (S.E.), Kolkata to disburse the arrear pension due to the teacher on and from 1st of October, 2005 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 stands disposed of.

8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)