

05.01.2026
Sl. No. 04
Ct. No.7
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/819/2025
GITA SAHA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Wasef Ali Mondal
Mr. Subrata Mukherjee

...for the Petitioner.

Mr. Nilanjan Adhikari

...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 6 to sanction the arrear pension in favour of the petitioner from the date following the date of her retirement till the date of sanction in reference to the pension payment order, annexure P-2 herein.
3. The petitioner contends that she was an Assistant Teacher of Indranarayanpur F.P. School, Vill. Indranarayanpur, P.O. – Gangarampur, District – Dakshin Dinajpur and she retired from service on superannuation on 31st December, 2011. In terms of the notification dated 13th June, 2014, the petitioner applied for conversion from CPF to GPF and deposited the entire amount of Government's share in the

Contributory Provident Fund including the interest and additional interest to the concerned Treasury Office on 28th August, 2014. The pension payment order was issued on 9th April, 2015 giving effect of pension from 28th August, 2014 i.e. date of deposit of the aforesaid amount. The pension ought to have been given effect from the date following the date of her superannuation. In such backdrop, the petitioner seeks for arrear of pension with effect from the date following the date of retirement till the date of sanction of pension.

4. Mr. Washef Ali Mondal, learned Advocate appearing on behalf of the petitioner submits that as per the decision of 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. The decision of the Larger Bench was assailed in appeal before the Hon'ble Supreme Court in *SLP No.1398 of 2020*, which has been dismissed on 5th January, 2022. He seeks for appropriate directions.
5. Mr. Nilanjan Adhikari, learned Advocate for the State leaves the matter to the discretion of this Court.
6. It is settled proposition of law that an employee is entitled to pension following the date of his/her retirement. The records reveal that the pension payment order, Annxure P-2, has been given effect on and from 28th August, 2014 i.e. the date of the deposit of the Government's share of the Contributory

Provident Fund and not from date following the date of retirement of the petitioner.

7. Accordingly, the respondent no. 3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 6, the Treasury Officer, P.O. Gangarampur, P.S. Buniadpur, District Dakshin Dinajpur 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 District Inspector of Schools (PE), Dakshin Dinajpur, respondent no.4 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 respondent no.3, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, respondent no.6, Treasury Officer, P.O. Gangarampur, P.S. Buniadpur, District Dakshin Dinajpur and respondent no.4, District Inspector of Schools (PE), Dakshin Dinajpur for necessary action.
10. With the above directions, the writ petition being **WPA 819 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.)