

51 **21.04.
2026**

Ct. No. 24

Ab

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

WPA 4347 of 2026

**Dipali Chakraborty
Vs.
The State of West Bengal and others.**

**Mr. Sourav Mitra,
Ms. Sreyasree Choudhury,
Mr. Bansi Badan Maity.**

... for the petitioner.

Mr. Avirup Mondal.

... for the State.

1. Affidavit-of-service filed in Court today is taken on record.
2. Despite service, none appears on behalf of the school authorities.
3. The issue to be decided in the present writ petition is whether an employee will be entitled to receive pension on and from the date following retirement or from the date of refund of the employer's share of contribution.
4. The petitioner retired from service on attaining the age of superannuation on January 31, 2003.
5. In response to the notification published by the School Education Department being no. 749-SE(L)/SL/5S-56/13 (Pt.V) dated June 13, 2014 issued in compliance of the direction passed by the Hon'ble Special Bench of this Court in the judgment

dated July 16, 2013 in the matter of District Inspector of Schools (SE), Kolkata vs. Abhijit Baidya, the petitioner exercised option to switch over from CPF to GPF and claims to have refunded the employer's share of contribution with interest and additional interest on December 11, 2014.

6. Pension Payment Order was issued in favour of the petitioner with effect from the date of refund of the employer's share of contribution.
7. The petitioner claims that pension ought to have been released on and from the date of refund of the employer's retirement and not from the date of refund of the employer's share of contribution.
8. A similar issue has been decided by this Court in SPA 964 of 2022 in the matter of Sitala Mandal (Chaudhuri) vs. State of West Bengal & Ors.
9. The judgment passed in the aforesaid matter on February 8, 2022 covers the present writ petition.
10. The instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, the District Inspector of Schools (SE), Kolkata and the concerned Treasury Officer 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 June 13, 2014, then steps shall be taken to issue

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.

11. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order. All payments shall positively be released immediately upon issuance of the Revised Pension Payment Order.
12. The writ petition is disposed of. No order as to costs.
13. Urgent certified website copy of this order, if applied for, be made available to the petitioner upon compliance with the requisite formalities.

(Reetobroto Kumar Mitra, J.)

