

21.04.2026
Ct. No.24
Sl. No.54
akd

W. P. A. 4648 of 2026

[Swapan Banerjee -Vs- The State of West Bengal & Ors.]

Mr. Sourav Mitra
Ms. Sreyasree Choudhary
Mr. Banshi Badan Maity
... ... for the petitioner

Mr. Dipankar Das Gupta
... ... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. 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.
3. The wife of the petitioner retired from service on attaining the age of superannuation on October 31, 2004 and died on January 25, 2016.
4. 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 wife of the petitioner exercised option to switch over from CPF to GPF and refunded the employer's share of contribution with interest and additional interest on May 3, 2015.
5. Pension Payment Order (PPO) was issued in favour of the wife of the petitioner with effect from the date of refund of the employer's share of contribution.

6. The petitioner claims that pension ought to have been released on and from the next date of retirement of the wife of the petitioner and not from the date of refund of the employer's share of contribution.

7. A similar issue has been decided by this Court in the matter of *Sitala Mandal (Chaudhuri) vs. State of West Bengal & Ors.* (WPA 964 of 2022).

8. The judgment passed in the aforesaid matter on February 8, 2022 will cover the present writ petition.

9. As the teacher died in the meantime, accordingly, the revised Pension Payment Order (PPO) is required to be issued in favour of the legal heir of the deceased employee.

10. The instant writ petition is disposed of by directing the Director of Pension, Provident Fund & Group Insurance, District Inspector of Schools (SE), Kolkata and the concerned Treasury Officer to verify the records, and in the event, it is found that the wife of 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 (PPO) in favour of the heir and legal representative 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 (PPO).

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 (PPO).

12. With the afore-stated directions, the writ petition is disposed of.
13. There shall be no order as to costs.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)