

18.12.2025
Item No.2
Ct. no.14
ss

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

**W.P.A. 11636 of 2023
With
C.A.N. 1 of 2025**

**Harihar Poddar
-Vs-
The State of West Bengal & ors.**

Mr. Sourav Mitra
Ms. Sreyasree Choudhury
... for the applicant-petitioner

Mr. Debnarayan Patra
... for the State-respondent

Re : CAN 1 of 2025

1. Affidavit of service filed on behalf of the applicant is taken on record.
2. This is an application for restoration of the writ petition by recalling order of dismissal.
3. By order dated 25th September, 2023, the writ petition being WPA 11636 of 2023 was dismissed for default.
4. Mr. Sourav Mitra, learned Advocate appearing on behalf of the applicant-petitioner submits that the learned Advocate on record for the petitioner failed to appear on the date the matter was taken up, since he was unable to come to Court for the reasons of disruption of train service. Due to the above reasons, the writ petition was dismissed for default. He seeks

for restoration of the writ petition upon recalling the order of dismissal.

5. Learned Advocate representing the State-respondents leaves the matter to the discretion of the Court.
6. Considering the submissions advanced on behalf of the petitioner and on going through the averments made in the application, it is found that cause shown is sufficient to restore the writ petition by recalling order of dismissal.
7. Accordingly, order of dismissal dated 25th September, 2023 is recalled.
8. The writ petition being **WPA 11636 of 2023** is restored to its original file and number.
9. The application being **CAN 1 of 2025** stands disposed of.

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10. On the prayer of the learned Advocate for the petitioner, leave is granted to implead the District Inspector of Schools (PE), Jhargram, as party-respondent no.6 in this proceeding.
11. By the present writ petition, the petitioner seeks direction upon the respondents particularly, respondent nos.3, 4, 5 and 6 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 Pension Payment Order (annexure P2 to the writ petition).

12. The petitioner contends that he retired as Assistant Teacher of Kultikri B.D. Primary School at P.O. Kultikri, District Jhargram on 31st March, 2008. The petitioner in terms of notification dated 13th June, 2014 refunded the amount of Government's share in the Contributory Provident Fund on 15th October, 2014. The Pension Payment Order was issued on 6th April, 2015 giving effect of the pension from 15th October, 2014. The petitioner further contends that the pension ought to have been given effect from the date following the date of his retirement. Hence, this writ petition.
13. Mr. Sourav Mitra, learned Advocate appearing on behalf of the petitioner submits that the respondent authorities ought to have granted pension from the date following the date of retirement of the petitioner. He seeks for appropriate direction in this regard.
14. Mr. Debnarayan Patra, learned Advocate appearing on behalf of the State submits that since the refund of Government's share in the Contributory Provident Fund was made on 15th October, 2014, the petitioner is entitled to pension from such date and not from any prior date.
15. It is settled proposition of law that pension is to be granted to an employee from the date following the date of his retirement. Therefore, the petitioner is

entitled to pension following the date of his retirement.

16. 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, Jhargram are directed to verify the records and in the event it is found that the petitioner exercised option and refunded the Government 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 his 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.
17. For the aforesaid purpose, the respondent no.4, the District Inspector of Schools (PE), Paschim Medinipur and respondent no.6, the District Inspector of Schools (PE), Jhargram 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.

18. Learned advocate for the petitioner is directed to communicate this order to the respondent nos.3 to 6.
19. With the above direction, the writ petition being **WPA 11636 of 2023** stands disposed of.
20. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
21. Interim order, if any, stands vacated.
22. All connected applications, if any, stand disposed of.
23. There shall be no order as to costs.
24. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
25. 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.**)