

02.02.2026  
Sl. No.18  
Ct. No.14  
ss

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

**W.P.A. No. 18143 of 2025**

**Bhagyadhar Nandi  
Versus  
The State of West Bengal & Ors.**

Mr. Krishna Keshab Paul

...for the Petitioner.

Ms. Chandrani Mukherjee

...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 direction upon the respondent authorities to disburse arrear of pension in favour of the petitioner with effect from 1<sup>st</sup> July, 2008 till 8<sup>th</sup> September, 2014.
3. The petitioner contends that he was an Assistant Teacher of Karulia P.E. School, P.O. Kaithan, District Purba Bardhaman. The petitioner retired from service on superannuation on 30<sup>th</sup> June, 2008. Upon refund of the employer's share under Contributory Provident Fund Scheme with interest, pension was allowed in favour of the petitioner with effect from the date of deposit of the employer's share in Contributory Provident Fund, i.e. 8<sup>th</sup> September, 2014 and not from the date following the date of superannuation of the petitioner. The petitioner claims arrear for the aforesaid period, i.e. 1<sup>st</sup> July, 2008 till the date of

deposit, i.e. 8<sup>th</sup> September, 2014. Hence, this writ petition.

4. Mr. Krishna Keshab Paul, learned Advocate for the petitioner submits that it is settled proposition of law that the employee is entitled to pension from the date following the date of his superannuation. The authority concerned ought to have granted pension to the petitioner from the date following the date of his superannuation and not from the date of deposit of employer's share under Contributory Provident Fund. He seeks for appropriate order.
5. Despite service, none appears on behalf of the State.
6. Ms. Chandrani Mukherjee, learned Advocate, who usually appears on behalf of the State-respondent is requested to appear in this matter. The appearance of Ms. Mukherjee be regularised by the competent authority.
7. Learned Advocate for the petitioner is directed to serve a copy of the writ petition along with its annexure upon Ms. Mukherjee, learned Advocate for the State.
8. Ms. Mukherjee, learned Advocate for the State leaves the matter to the discretion of this Court.
9. It is found from the annexure P2 at page 16 that the pension has been given effect from 8<sup>th</sup> September, 2014, i.e. the date of deposit of employer's share in Contributory Provident Fund. It is no more *res integra* that pension should be granted to the employee from the date following the date of his superannuation.

10. Accordingly, the Director of Pension, Provident Fund and Group Insurance 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 13<sup>th</sup> 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 twelve weeks from the date of communication of a copy of this Order. Payment shall be released immediately upon issuance of the Revised Pension Payment Order.
11. For the aforesaid purpose, the District Inspector of Schools concerned shall process the claim for arrears of pension and make/forward a necessary recommendation/sanction to the Director of Pension, Provident Fund and Group Insurance expeditiously. The Director of Pension, Provident Fund and Group Insurance, in turn, shall act based on such recommendation/sanction.
12. With the above direction, the writ petition being **WPA 18143 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)**