

09.02.2026
Sl. No.29
Ct. No.14
gd

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

WPA/18387/2025
SAMIR KUMAR DAS GUPTA
VS
STATE OF WEST BENGAL AND ORS.

Ms. Jonaki Saha

...for the Petitioner.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for arrear of pension calculated from the date following the date of retirement of the employee i.e. 1st February, 2004 till the date of sanction i.e. 18th May, 2015.
3. The petitioner contends that his wife was an Assistant Teacher of a Primary School, District - Hooghly. The petitioner's wife retired from service on superannuation on 31st January, 2004. The petitioner's wife deposited the employer's share of Contributory Provident Fund on 13th September, 2014. The Pension Payment Order was issued on 18th May, 2015 giving effect from 13th September, 2014 i.e. the date of deposit. The petitioner claims that the pension ought to have been given effect from the date following the date of retirement of the wife of the petitioner. Hence this writ petition.
4. Ms. Jonaki Saha, learned Advocate appearing for the petitioner submits that the concerned respondent

authority ought to have granted family pension following the date of retirement of the deceased employee. However, it has granted the family pension following the date of death of the deceased employee. To buttress her contention, she relies on the decision of this Court passed in ***Pramila Behara versus The State of West Bengal & Ors.*** in ***FMA 864 of 2022.***

5. None appears on behalf of the State.
6. Ms. Anima Das Chakraborty, learned advocate, who usually appears for the State, is requested to appear in this matter. Let her appointment be regularised.
7. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Ms. Anima Das Chakraborty, learned advocate for the State.
8. Ms. Das Chakraborty, learned advocate for the State leaves the matter to the discretion of the Court.
9. It is settled in *Pramila Behara (supra)* that the family pension shall be payable from the date of actual superannuation and/or the death of the concerned teacher as the case may be. The pension in favour of petitioner's wife has not been given effect from such date following the date of superannuation.
10. Accordingly, 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's wife 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's wife with effect from the date following the date of her 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 positively 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 Directorate of Pension, Provident Fund & Group Insurance expeditiously. The Directorate of Pension, Provident Fund & Group Insurance, in turn, shall act based on such recommendation/sanction.
12. Learned advocate for the petitioners is directed to communicate this order to respondent No.4, The Director of Pension, Provident Fund and Group Insurance and respondent No.5, the Treasury Officer, Shreerampore-I and respondent No.3, District Inspector of Schools (P.E) Hooghly for necessary action.
13. With the above observation, the writ petition being **WPA 18387 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)