

31.03.2026
Item No. 17
Ct. No. 14
AN

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

**WPA 21433 of 2025
Md. Ismail
vs.
State of West Bengal & ors.**

Mr. Krishna Keshab Pal

... for the petitioner

Mr. Tapas Ballav Mandal

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. On the prayer of the learned advocate appearing for the petitioner, leave is granted to file supplementary affidavit.
3. Supplementary affidavit filed on behalf of the petitioner is taken on record.
4. By the present writ petition the petitioner seeks for direction upon the respondent authorities for release of arrear pension from the date following the date of retirement till the date of deposit of the employer's share in Contributory Provident Fund.
5. The petitioner contends that he was an Assistant Teacher of 36, Pradip Pathsala Primary School under Suti Circle, Post Office Aurangabad, District Murshidabad. The petitioner retired from service on superannuation on 31st December, 2003. The petitioner deposited the amount of Rs. 2,53,937.00 along with interest on 20th January, 2015 as well as an amount of Rs. 44,394.00 towards employer's

shares for switching over from the Contributory Provident Fund to General Provident Fund Scheme. Upon deposit of the employer's share in the Contributory Provident Fund, the pension payment order was issued in favour of the petitioner on 26th November, 2015 giving effect of pension from 20th January, 2015 that is the date of the first deposit. The pension ought to have been given effect from the date following the date of retirement. Hence this writ petition for arrears of pension.

6. Mr. Krishna Keshab Pal, learned advocate appearing for the petitioner submits that it is a settled proposition of law that an employee is entitled to receive the pension from the date following the date of retirement. However, in the the present case, the pension has been given effect to from the date of first deposit of the employer's share. He seeks for appropriate orders for disbursement of the arrear of pension.

7. Mr. Tapas Ballav Mandal, learned advocate representing the State leaves the matter to the discretion of the Court.

8. It is found from Annexure P-1 of the writ petition that amount of Rs. 2,53,937.00 and Rs. 44,394.00 was deposited on 20th January, 2015 and on 12th May, 2015 respectively. The pension payment order was issued on 26th November, 2015 giving effect of pension from 20th January, 2015, that is the date of the first deposit. Be that as it may, it is settled proposition of law that the pension should be given effect to from the date following the date of retirement. However, the respondent authorities have

given effect of the pension from the date of deposit. Accordingly, the petitioner is entitled to arrears of pension from the date following the date of retirement till the date of deposit of the amount.

9. In view of the above, the respondent No.3, the Director of Pension, Provident Fund and Group Insurance and the respondent No.5, the Treasury Officer, Jangipur are directed 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 being No.749-SE(L)/SL/5S-56/13(Pt-V) 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 of retirement on superannuation of the petitioner and to release the pension, in accordance with Revised Pension Payment Order. Such steps shall be taken within a period of twelve weeks from the date of communication of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.

10. For the aforesaid purpose the respondent no.4 the District Inspector of Schools (PE), Mursidabad shall process the claim for arrears of pension and forward the necessary recommendation/sanction to respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal expeditiously, who in turn shall act on the basis of such recommendation/sanction.

11. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, respondent no.4 The District Inspector of Schools (P.E), Murshidabsad, and respondent no.5, Treasury Officer, Jangipur for necessary compliance.

12. With the above directions, the writ petition being **WPA 21433 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.)