

07.04.2026
Sl. No.43(DL)
Ct. No.14
srn

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

W.P.A. No. 22195 of 2025

Kamalesh Sasmal

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Srikanta Paul

...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 grant family pension with effect from the date following the date of death of the father of the petitioner, i.e. 22nd November, 2023 instead of 27th September, 2024 as well as disburse arrear family pension for the aforesaid period together with interest i.e. from the date of entitlement to the date of actual release.
3. The petitioner contends that his father, late Harendra Nath Sasmal was a Teacher of Ghoshpur Prathamik Vidyalaya under Panskura Circle, District-Purba Medinipur, who retired from service on superannuation on 31st October, 1992. The Pension Payment Order was issued in favour of the employee on 7th March, 2000. The father of the petitioner expired on 21st November, 2023. The mother of the petitioner predeceased his

father and died on 10th April, 2010. The petitioner is the disabled son of the concerned employee. Pursuant to the order passed in WPA 13086 of 2024, the petitioner was granted family pension. However, the family pension has been given effect from 27th September, 2024, i.e. the date of the medical report of the petitioner and not from the date following the date of death of the concerned employee. Hence, this writ petition.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that petitioner is entitled to family pension from the date following the date of death of the concerned employee. However, the pension has been given effect from 27th September, 2024 and thus it ought to be revised and arrears for the said period should be disbursed to the petitioner.
5. Mr. Srikanta Paul, learned Advocate for the State submits that the date 27th September, 2024 has been considered on the basis of the date of medical report. However, he concedes that the entitlement of the petitioner to family pension would be from the date following the date of death of the concerned employee.
6. Upon considering the contentions made in the writ petition, it is found that the petitioner, being the disabled son of the deceased employee, is entitled to family pension from the date following the date of death of his father. Upon perusal of the Pension Payment Order (Annexure P/11), it is found that the family pension has been given from 27th September, 2024. However, the same ought to have been given effect from

the date following the date of death of the concerned employee.

7. Accordingly, respondent No.3, the Director of Pension, Provident Fund and Group Insurance is directed to issue revised Pension Payment Order in favour of the petitioner with effect from the date following the date of death of the concerned employee. Upon issuance of such revised Pension Payment Order, respondent No.6, the Treasury Officer, Tamluk, Purba Medinipur is directed to disburse the arrear pension together with interest @ 8% per annum with effect from the date following the date of death of the concerned employee , i.e. 22nd November, 2023 till 26th September, 2024 in favour of the petitioner. Such payment is to be made within a period of eight weeks from date of communication of this order.
8. Learned advocate for the petitioner is directed to communicate this order to respondent No.3, the Director of Pension, Provident Fund and Group Insurance and respondent No.6, the Treasury Officer, Tamluk, Purba Medinipur, for necessary compliance.
9. With the above direction, the writ petition being **WPA 22195 of 2025** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.

14. 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.)