

08.12.2025
Item No. 11
Ct. No. 14
AN

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

WPA 24438 of 2025

**Manash Bhadra
vs.
State of West Bengal & ors.**

Mr. Banshi Badan Maiti
...for the petitioner

Mr. Mohaimenul Mondal
...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 for release of the arrear pension in favour of the petitioner from the date following the date of retirement till the date of sanction of pension in reference to Pension Payment Order (annexure P-2).
3. The petitioner contends that his mother, Minati Bhadra was an Assistant Teacher of Chaketbari F.P. School at P.O. Bawali, P.S. Nodakhali, Dist. South 24 Parganas. She retired from service on 31st January, 2002 on superannuation and died on 18th December, 2021. The father of the petitioner pre-deceased his mother and died on 10th September, 2021. The mother of the petitioner during her lifetime applied for conversion from Contributory Provident Fund-cum-Gratuity to Family Pension-cum-Gratuity and

refunded employee's share of Contributory Provident Fund including the interest and additional interest to the concerned Treasury Office on 5th September, 2014 in terms of Notification dated 13th June, 2014. The pension has been granted to the mother of the petitioner on and from 5th September, 2014 and not from the date following the date of her retirement. Hence this writ petition.

4. Mr. Banshi Badan Maiti, learned advocate appearing for the petitioner submits that the authority concerned ought to have been granted the pension on and from the date following date of retirement of the mother of the petitioner and not from the date of refund of the employers' share of Contributory Provident Fund. He relies on a decision of the Coordinate Bench passed in the case of *Santa Ray vs. State of West Bengal in WPA 14946 of 2025*. He seeks for necessary direction.
5. Mr. Mohaimenul Mondal, learned advocate for the State leaves the matter to the discretion of the Court.
6. There cannot be any quarrel that an employee is entitled to pension following the date of his/her retirement.
7. Accordingly, respondent no. 3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no. 5, the Treasury Officer, Baruipur, P.O. Baruipur, District-South 24 Parganas are directed to verify the records

and, in the event, it is found that the mother of the petitioner 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 mother with effect from the date following the date of retirement of his mother on superannuation and to release the pension in accordance with the Revised Pension Payment Order. Such steps shall be taken within a period of eight weeks from the date of communication of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.

8. For the aforesaid purpose, respondent no. 4, the District Inspector of Schools (P.E.), Paschim Medinipur 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.
9. Learned advocate for the petitioner is directed to communicate this order to respondent no. 4, the District Inspector of Schools (P.E.), Paschim Medinipur and respondent no. 5, the Treasury Officer, Ghatal, P.O. Ghatal, District-Paschim Medinipur, for necessary compliance.

10. With the above directions, the writ petition being **WPA 24438 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
12. Consequently, connected applications, if any, also stand disposed of.
13. Interim orders, if any, stand vacated.
14. There will be no order as to costs.
15. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)