

MI.910 29.01.2026
NB Ct. 18

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 26766 of 2025

Abdus Selim Hashmi & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Krishna Keshab Paul.
..for the petitioner.

Mr. Nabhajit Prasad Basu,
Mr. Manoj Kurmi.
...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. The issue to be decided in the present writ petition is whether an employee will be entitled to receive pension on and from the date following retirement or from the date of refund of the employer's share of contribution.
3. The father of the petitioners retired from service on attaining the age of superannuation on 31st January, 2007 and died on 18th June, 2023.
4. In response to the notification published by the School Education Department being No.749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014 issued in compliance of the direction passed by the Hon'ble Special Bench of this Court in the judgment dated 16th July, 2013 in the matter of *District Inspector of Schools (S.E.), Kolkata Vs. Abhijit Baidya*, the father of the petitioners exercised option to switch over from CPF to GPF and refunded the employer's share of contribution with interest and additional interest on 5th September, 2014.

5. Pension Payment Order was issued in favour of the father of the petitioners with effect from the date of refund of the employer's share of contribution.
6. The petitioners' claim that pension ought to have been released on and from the next date of retirement of their father and not from the date of refund of the employer's share of contribution.
7. A similar issue has been decided by this Court in WPA 964 of 2022 in the matter of *Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors.*
8. The judgment passed in the aforesaid matter on 8th February, 2022 will cover the present writ petition.
9. As the teacher died in the meantime, accordingly, the revised pension payment order is required to be issued in favour of the heirs of the deceased employee.
10. The instant writ petition is disposed of by directing the Director of Pension, Provident Fund & Group Insurance, District Inspector of Schools (SE), Birbhum and the concerned Treasury Officer to verify the records, and in the event, it is found that the teacher exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then steps shall be taken to issue Revised Pension Payment Order in favour of the heirs and legal representatives 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.

11. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order. All payments shall positively be released immediately upon issuance of the Revised Pension Payment Order.
12. The writ petition stands disposed of.
13. Certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)