

S/L 9
06.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27389 of 2025

Shivaleena Basu

Vs.

The State of West Bengal & Ors.

Mr. Goutam Malik

...for the Petitioner.

Mr. Biplab Majumder

...for the State.

1. Affidavit of service filed on behalf of the petitioner in Court today be kept with the records.
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 mother of the petitioner retired from service on attaining the age of superannuation on 31.01.2003 and died on 24.02.2020.
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 petitioner exercised option to switch over from CPF to GPF and refunded the employer's

share of contribution with interest and additional interest on 12.09.2014.

5. Pension Payment Order was issued in favour of the mother of the petitioner with effect from the date of refund of the employer's share of contribution.

6. The petitioner claims that pension ought to have been released on and from the next date of retirement of the mother of the petitioner 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 heir and legal representative 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), Kolkata and the concerned Treasury Officer 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 steps shall be taken to issue Revised Pension Payment Order in favour of the heir and legal

representative 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. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)