

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27462 of 2025

Ujjwal Majhi

v.

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra

... For the petitioner

Mr. Mohan Kumar Sanyal

Ms. Mousumi Banerjee

... For the State

1. The affidavit of service filed in Court is taken on record.

2. The petitioner is the son of a deceased secondary school teacher. The teacher refunded the employer's share of contribution in terms of the Government Order No. 749-SE(L)/55-56/13(Pt.V) 13th June, 2014. Pension was paid to the teacher on and from the date of refund of the employer's share of contribution.

3. According to the petitioner, payment ought to have been made on and from the next date of retirement and not from the date of refund.

4. The issue as to whether the teacher would be entitled to receive the pension on and from the date of refund of the employer's share of contribution or on and from the next date of retirement of the teacher has been settled by this Court on 8th February, 2022 in the

matter of Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors. (WPA 964 of 2022) wherein the Court held that the entitlement will be on and from the next date of retirement.

5. As the teacher expired on 15th November, 2019, his son has approached this Court seeking for the arrear pension which will be payable in favour of his deceased father on and from the next date of his retirement.

6. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Secondary Education), Purulia to disburse the arrear pension due to the teacher on and from 1st of June, 2009 till the date of refund of the employer's share at the earliest, but, positively within twelve weeks from the date of communication of this order.

7. The writ petition is disposed of.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)