

19.01.2026
Sl. No.12(DL)
Ct. No.14
srm

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

W.P.A. No. 27765 of 2025

Arabinda Dalui & Ors.

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Ms. Arpita Saha

...for the Petitioners.

Mr. Pranab Halder

...for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioners seek for arrear of pension from the date following the date of retirement of the father of the petitioners till the date of sanction of the pension.
3. Petitioners being the son and daughters of the deceased employee, contend that their father was an Assistant Teacher of Balichak High Attached Primary School, Village-Balichak, District-Howrah. The petitioners' father retired from service on superannuation on 28th February, 2002. Upon deposit of the employer's share in Contributory Provident Fund on 13th September, 2014, pension was granted in favour of the employee. The petitioners' father died on 13th March, 2023. Family pension was granted in favour of the mother of the

petitioners. The petitioners' mother died on 18th November, 2023. The petitioners seek for arrear of pension from the date following the date of retirement of the deceased employee till the date of sanction of the pension giving effect from 13th September, 2014, i.e. the date of deposit of the employer's share of Contributory Provident Fund.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioners submits that the pension of the deceased employee ought to have been given effect from date following the date of superannuation of the deceased employee. However, the pension has been given effect from the date of deposit of the employer's share of contribution with interest and additional interest. She seeks from appropriate orders for disbursement of the arrear pension in favour of the petitioners.
5. Mr. Pranab Halder, learned Advocate for the State leaves the matter to the discretion of this Court.
6. The question which falls for consideration is whether a retired employee is entitled to receive pension on and from the date following the date of retirement or from the date of deposit of the employee's share in Contributory Provident Fund.
7. In *Sitala Mandal (Chaudhuri) versus The State of West Bengal & Ors. (WPA No.964 of 2022)*, a Co-ordinate Bench of this Court has passed the following order on similar issue:-

"The issue of estoppel also does not come to the aid of the State in any manner whatsoever. It is settled law that there can be no estoppel against law. According to the prevailing Rules, an employee is entitled to receive pension from the day following the date of superannuation. The entitlement to receive pension being settled by the Special Bench in the earlier judgments, the State is estopped from raising the same issue all over again.

To obviate future complications the Special Bench issued the clarification in Abdul Ghani (supra) making it clear with regard to the entitlement of the employee to receive pension from the date following the date of retirement on superannuation in accordance with the provisions of the DCRB Rules."

8. It is found from Pension Payment Order (Annexure P2 at page 23 of the writ petition) that the same has been issued on 24th April, 2015 giving effect of pension from 13th September, 2014 i.e. the date of deposit of the employer's share in Contributory Provident Fund and not from the date following the date of retirement as has been held in the aforesaid decision in *Sitala Mandal (Chaudhuri) (supra)*.
9. In view of the above, the respondent No.3, the Director of Pension, Provident Fund and Group Insurance and the respondent No.5, the Treasury Officer, Uluberia are directed to verify the records and in the event, it is found that the petitioners' mother exercised option and refunded the employer's share of contribution within the time specified in the notification being No.749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014, then appropriate steps shall be taken to issue a Revised Pension Payment Order in favour of the mother of the petitioners with effect from the date of retirement on superannuation of the petitioners'

father and to release the pension, in accordance with 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.

10. For the aforesaid purpose the respondent No.4, the District Inspector of Schools (PE), Howrah shall process the claim for arrears of pension and forward to the a necessary recommendation/sanction respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal expeditiously, who in turn shall act on the basis of such recommendation/sanction.
11. Petitioners are directed to communicate this order to the respondent No.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent No.4, the District Inspector of Schools (PE), Howrah and respondent No.5, the Treasury Officer, Uluberia, for necessary action.
12. With the above direction, the writ petition being **WPA 27765 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.

15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)