

13.01.2026
Sl. No.10
Ct. No.14
gd

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

WPA/27908/2025
ANUP KUMAR GHOSH AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

...for the Petitioners.

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Notice has also been served upon Mr. Pradip Kumar Maity, learned advocate for the State.
3. None appears on behalf of the State.
4. Mr. Bipin Ghosh, learned advocate, who usually appears for the State, is requested to appear in this matter. Let his appointment be regularised by the authority concerned.
5. The petitioner is directed to hand over a copy of the writ petition along with the annexures to Mr. Ghosh, learned advocate for the State.
6. By the present writ petition, the petitioners seek for arrear of pension calculated from the date following the date of retirement of the employee i.e. 1st January, 2002 till the date of sanction i.e. 15th February, 2021.
7. The petitioners contend that their father was the Head Teacher of Markandapur Primary School, P.O. –

Khalseuli, District - Jhargram. The petitioners' father retired from service on 31st December, 2001 and expired on 14th February, 2021. The petitioners' mother expired on 19th October, 2025. The mother of the petitioners filed a writ petition being WPA 10758 of 2025 seeking permission to deposit the employer's share of Contributory Provident Fund.

8. The aforesaid writ petition was disposed of on 16th May, 2025 with the following directions:

"8. In line with above decisions the instant writ petition is disposed of by directing the District Inspector of Schools (PE), Jhargram to process the application filed by the petitioner as expeditiously as possible.

9. The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.

10. Upon the petitioner complying all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, fresh Pension Payment Order shall be issued in her favour within a month thereafter."

9. In the aforesaid order it was indicated in paragraph no.11 that arrear of family pension from the date of death of the employee shall be released to petitioner i.e. the mother of the petitioners herein.
10. By order dated 13th June, 2025, the earlier order dated 16th May, 2025 was modified and arrear of family pension was allowed from the date of retirement of the employee.
11. The Pension Sanctioning Authority issued Pension Payment Order giving effect of family pension from the date following the date of death of the deceased employee.

12. Being aggrieved by such action of the pension sanctioning authority, the petitioners have preferred the instant writ petition.
13. Mr. Sourav Mitra, learned Advocate appearing for the petitioners submits that the concerned respondent authority ought to have granted family pension following the date of retirement of the deceased employee. However, it has granted the family pension following the date of death of the deceased employee. To buttress his contention he relies on the decision of this Court passed in ***Pramila Behara versus The State of West Bengal & Ors.*** in ***FMA 864 of 2022***.
14. Mr. Ghosh, learned advocate for the State leaves the matter to the discretion of the Court.
15. It is settled in *Pramila Behara (supra)* that the family pension shall be payable from the date of actual superannuation and/or the death of the concerned teacher as the case may be. In the earlier round of litigation being WPA 10758 of 2025 the arrear of family pension was directed to be paid from the date of retirement of the deceased employee. However, the Pension Sanctioning Authority has granted family pension from the date following the date of death of the deceased employee.
16. Under such circumstances, respondent No.3, The Director of Pension, Provident Fund and Group Insurance and respondent No.4, the Treasury Officer, Jhargram and respondent No.5, District Inspector of

Schools (P.E) Jhargram are directed to calculate the arrear of pension from the date following the date of retirement i.e. 1st January, 2002 of the employee till the date of sanction of family pension i.e. 15th February, 2021 and disburse the same in favour of the petitioners in accordance with law. Such payment shall be made within a period of eight weeks from the date of communication of this order.

17. Learned advocate for the petitioners is directed to communicate this order to respondent No.3, The Director of Pension, Provident Fund and Group Insurance and respondent No.4, the Treasury Officer, Jhargram and respondent No.5, District Inspector of Schools (P.E) Jhargram for necessary action.
18. With the above observation, the writ petition being **WPA 27908 of 2025** stands disposed of.
19. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
20. Interim order, if any, stands vacated.
21. All connected applications, if any, stand disposed of.
22. There shall be no order as to costs.
23. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
24. 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.)