

19.01.2026
Sl. No.21
Ct. No.14
gd

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

WPA/28454/2025
NARAYAN CHANDRA NAYEK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Shehnaz Tareq Mina
Mr. Dilip Kr. Ghosh

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for direction upon the respondent nos.3, 4 and 5 to sanction the arrear pension in favour of the petitioner from the date following the date of retirement till the date of sanction in reference to the Pension Payment Order (Annexure P-2).
3. The petitioner contends that she was an Assistant Teacher of Laxminarayanpur F.P. School, P.O. – Kakdwip (Kalinagar), District – South 24-Parganas and she retired from service on superannuation on 30th November, 2000. The petitioner refunded the entire Government's share of Contributory Provident Fund including interest and additional interest to the concerned Treasury Office on 10th September, 2014. Upon deposit of the said amount Pension Payment Order was issued on 16th June, 2015 with effect from

10th September, 2014. The petitioner seeks for disbursement of arrear pension from the date following the date of retirement till the date of sanction.

4. Mr. Banshi Badan Maity, learned advocate for the petitioner submits that the authority ought to have granted pension to the petitioner from the date following the date of retirement and not from the date of deposit of employer's share of Contributory Provident Fund. He seeks for appropriate orders.
5. Mr. Shehnaz Tareq Mina, learned Advocate for the State leaves the matter to the discretion of the court.
6. It is found that the petitioner retired on 30th November, 2000. However, the pension has been given effect from 10th September, 2014 i.e. the date on which the refund of employer's share of Contributory Provident Fund was made. It is settled proposition that the petitioner is entitled to pension from the date following the date of his retirement.
7. Accordingly, the respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.5, the Treasury Officer, Kakdwip, South 24-Parganas are directed to verify the records and in the event it is found that the petitioner exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then appropriate steps shall be taken to issue a

Revised Pension Payment Order in favour of the petitioner 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. Such steps shall be taken within a period of four weeks from the date of communication of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.

8. For the aforesaid purpose, the respondent No.4, District Inspector of Schools (P.E.), South 24-Parganas shall process the claim for arrears of pension and forward a necessary recommendation/sanction to the Director of Pension, Provident Fund and Group Insurance expeditiously who shall act on the basis of such recommendation/sanction.
9. Learned advocate for the petitioner is directed to communicate this order to the respondent no.3 and the respondent no.5.
10. With the above direction, the writ petition being **WPA 28454 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)