

20.01.2026  
Sl. No.19  
Ct. No.14  
Ss

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

**W.P.A. No. 29175 of 2025**

**Soumen Chattopadhyay & anr.  
Versus  
The State of West Bengal & Ors.**

Mr. Sourav Mitra  
Ms. Sudipa Banerjee

...for the Petitioners.

Mr. Debapriya Chatterjee  
Ms. Deboleena Dasgupta

...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 direction upon the respondent authorities particularly respondent nos.3, 4 and 5 to sanction the arrear pension in favour of the petitioners from the date following the date of retirement of the deceased teacher till the date of sanction in reference the pension payment order (annexure P2).
3. The petitioners contend that their mother, namely, Smt. Snehalata Chakraborty (Chatterjee) was an Assistant Teacher of Illambazar Primary School, P.O. Rajgram, District Bankura. The mother of the petitioners retired from service on superannuation on 31<sup>st</sup> January, 2011 and she expired on 13<sup>th</sup> January, 2024. The father of the petitioners predeceased their mother and died on 30<sup>th</sup> April, 2019. The petitioners are the legal heirs of the

deceased teacher. In terms of notification dated 13<sup>th</sup> June, 2014 the concerned teacher applied for conversion and refunded the entire Government's share of contributory provident fund together with interest and additional interest on 11<sup>th</sup> September, 2014. Upon deposit of the said amount the pension payment order was issued to the concerned teacher on 7<sup>th</sup> May, 2015 giving effect of pension from 11<sup>th</sup> September, 2014, i.e. the date of deposit of the employer's share of contributory provident fund. Being aggrieved by such action of the respondent authorities, the petitioners have preferred the present writ petition.

4. Mr. Sourav Mitra, learned Advocate appearing on behalf of the petitioners submit that it is settled proposition of law that the pension should be given effect from the date following the date of superannuation of the employee. To buttress his contention, he relies on the decision of the Co-ordinate Bench of this Hon'ble High Court in *Sitala Mandal (Chaudhuri) -versus- State of West Bengal & ors. (WPA 964 of 2022)*. He seeks for appropriate orders.
5. Mr. Debapriya Chatterjee, learned Advocate appearing on behalf of the State indicates that the concerned teacher, namely, Snehalata Chatterjee during her lifetime filed a writ petition being WPA 20560 of 2023 seeking for entitlement to receive

pension from the date following the date of retirement and the said writ petition was disposed of directing the authority to verify the records and issue revised pension payment order in favour of the petitioner. However, before steps could be taken the teacher concerned was expired on 13<sup>th</sup> January, 2024. He leaves the matter to the discretion of this Court.

6. Admittedly, in the earlier round of litigation being WPA 20560 of 2023 an order was passed at the instance of the concerned teacher, Smt. Snehalata Chatterjee (since deceased) on 11<sup>th</sup> December, 2023 directing as follows :

*“ Instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer 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 13<sup>th</sup> June, 2014, then steps shall be taken to issue 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 twelve weeks from the date of communication of a copy of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.*

*For the aforesaid purpose, the DI of Schools concerned shall process the claim for arrears of pension and make/forward a necessary recommendation/sanction to the DPPG expeditiously. The DPPG in turn shall act based on such recommendation/sanction.”*

7. There cannot be any quarrel that prior to compliance of the order the concerned teacher died on 13<sup>th</sup> January, 2024, within a short span of one month.
8. The record reveals that the pension has been given effect from the date of deposit of employer’s share in

contributory provident fund, i.e. 11<sup>th</sup> September, 2014, which ought to have been paid from the date following the date of superannuation of the concerned teacher.

9. The respondent no.3, the Director of Pension, Provident Fund and Group Insurance and the respondent no.5, the Treasury Officer, Bankura is directed to verify the records, and in the event, it is found that the mother of the petitioners exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13<sup>th</sup> June, 2014, then steps shall be taken to issue revised pension payment order in favour of the petitioners' mother 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 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), Bankura shall process the claim for arrears of pension and make/forward a necessary recommendation/sanction to the respondent no.3, the Director of Pension, Provident Fund and Group Insurance, expeditiously. The respondent no.3, the Director of

Pension, Provident Fund and Group Insurance in turn shall act based on such recommendation/sanction.

11. With the aforesaid direction, the writ petition being **WPA 29175 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Bivas Pattanayak, J.)**