

06.01.2026
Sl. No.21
Ct. No.14
ss

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

W.P.A. No. 29364 of 2025

Hansi Mandi

Versus

The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Bipin 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 authorities, particularly respondent nos.3, 4 and 5 to sanction the arrear family pension in favour of the petitioner from the date following the date of retirement of the petitioner's husband till the date of sanction in reference to Pension Payment Order (annexure P3)..
3. The petitioner contends that her husband namely, Late Bharat Chandra Mandi was an Assistant Teacher in Siarbinda Primary School, P.O. Orali, District Jhargram. The petitioner's husband retired from service on superannuation on 28th February, 1999. The petitioner's husband expired on 23rd April, 2012. The petitioner approached the respondent authorities for depositing the Government's share in terms of Circular dated 13th

June, 2014. However, since the same was not accepted the petitioner filed a writ petition before this Hon'ble Court being WPA 29884 of 2024. The said writ petition was disposed of on 14th February, 2025 by passing the following order:

“ The District Inspector of Schools (P.E.), Jhargram, the respondent no.5 herein is therefore directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension and upon deposit of the said amount, the said respondent, being the pension sanctioning authority shall verify the pension papers of the petitioner and shall send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein for further steps to be taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.”

4. Pursuant to such order passed in the aforesaid writ petition the petitioner deposited the Government's share in Contributory Provident Fund with interest and additional interest on 30th May, 2025. The Pension Payment Order in favour of the petitioner has been given effect following the date of death of the husband of the petitioner, that is, 24th April, 2012 and not from the date following the date of superannuation of petitioner's husband. Hence, this writ petition.
5. Mr. Sourav Mitra, learned Advocate appearing on behalf of the petitioner submits that the Pension Payment Order should have been issued giving effect of pension from the date following the date of superannuation of the husband of the petitioner. He seeks for appropriate order for grant of family pension in favour of the petitioner from the date following the date of superannuation of the husband of the petitioner and also for sanction arrear from the date following the date

of retirement of the petitioner's husband till the date of sanction. To buttress his contention, he relies on the decision of the Hon'ble Division Bench of this Court passed in *Pramila Behara –versus- State of West Bengal & ors. (FMA 864 of 2022)*.

6. Learned Advocate for the State leaves the matter to the discretion of this Court.
7. In paragraph 15 of the decision in *Pramila Behara (supra)* the Hon'ble Division Bench held that the family pension shall be payable to the appellant/writ petitioner from the date of actual superannuation and/or the death of the concerned teacher as the case may be and also directed for payment of arrears.
8. It is found from annexure P3 that the family pension has been granted from the date following the date of death of the deceased employee. In view of the decision passed in *Pramila Behara (supra)* the petitioner is entitled to family pension on and from the date following the date of superannuation of petitioner's husband. Hence, the petitioner is entitled to arrears from the date following the date of superannuation of the petitioner's husband till the date of sanction.
9. Accordingly, the respondent no.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and respondent no.4, the District Inspector of Schools (P.E.), Jhargram as well as respondent no.5, the Treasury Officer, Jhargram is directed to calculate the arrears of pension and disburse

the same in favour of the petitioner from the date following the date of retirement of the husband of the petitioner till the date of sanction of Pension Payment Order, within a period of eight weeks from the date of communication of this order.

10. Learned Advocate for the petitioner is directed to communicate this order to the respondent Nos.3, 4 and 5 for necessary compliance.
11. With the aforesaid direction, the writ petition being **WPA 29364 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.

(Bivas Pattanayak, J.)