

17.06.2026
Sl. No.48
Ct. No.6
gd

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

**WPA/763/2026
SUBIR SARKAR
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Debanjan Das
Ms. Sukanya Bhaumik
...for the Petitioner.
Ms. Radhika Agarwal
Ms. Esha Acharya
...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 direction upon the respondent authorities to release and disburse the arrear pension as per the Pension Payment Order dated 2nd April, 2015.
3. The petitioner contends that he was appointed as an Assistant Teacher of Shaktighar Bidyapith (HS) on 1st April, 1974. The petitioner retired from service on superannuation on 31st December, 2008. The Pension Payment Order was issued on 7th January, 2009, but without any pension. The petitioner refunded the employer's share of Contributory Provident Fund in terms of G.O. No.749 SE(L)/SL/5S-56/13(Pt-V) on 15th

September, 2014 for switching over from Contributory Provident Fund Scheme to General Provident Fund for the purpose of availing the benefit of pension. The pension has been effected from 19th September, 2014 and not from the date following the date of retirement. Being aggrieved by such action of the State respondents, the petitioner has preferred the present writ petition.

4. Mr. Debanjan Das, learned advocate for the petitioner submits that the pension granted in favour of the petitioner has been given effect subsequent to date of refund, but not from the date following the date of retirement of the petitioner. He seeks for appropriate orders.
5. Ms. Esha Acharya, learned advocate for the State leaves the matter to the discretion of the court.
6. From the materials on record it is found that the pension in favour of the petitioner has been given effect from 19th September, 2014 i.e. subsequent to the date of deposit of the employer's share of Contributory Provident Fund on 15th September, 2014. It is settled proposition of law that the pension should be given effect from the date following the date of retirement of the employee.

7. Accordingly, the respondent no.5, District Inspector of Schools (Secondary Education), Jalpaiguri is directed to verify the records with regard to the deposit of the employer's share of Contributory Provident Fund and thereafter forward the same to respondent no.4, the Director, Directorate of Pension, Provident Fund and Group Insurance, Government of West Bengal for issuance of revised pension payment order in favour of the petitioner giving effect of pension from the date following the date of retirement of the concerned employee.

8. For the aforesaid purpose, the respondent no.5, District Inspector of Schools (Secondary Education), Jalpaiguri shall also forward the claim for arrears of pension of the petitioner to the respondent no.4, the Director, Directorate of Pension, Provident Fund and Group Insurance, Government of West Bengal for further course of action. Such exercise shall be made within a period of eight weeks from the date of communication of this order.

9. Learned advocate for the petitioner is directed to communicate this order to respondent no.4, the Director, Directorate of Pension, Provident Fund and Group Insurance, Government of West Bengal and

respondent no.5, District Inspector of Schools (Secondary Education), Jalpaiguri, for necessary compliance.

10. With the above direction, the writ petition being **WPA 763 of 2026** 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.)