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24.02.2020.
d.p.

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 558 of 2020

Babulal Thapa
-versus
The State of West Bengal & Ors.

Mr. Debajit Kundu.
...For the Petitioner.

Mr. Debabrata Dhar,
Ms. Paramita Sahu.
...For the State.

Affidavit-of-service filed in Court today be taken on record.

The petitioner retired from service of the school on 31^{st} October, 2010. The petitioner claims that he is entitled to receive pension in terms of ROPA 1990 and ROPA 1998.

The petitioner submits that he submitted his option within the time as specified by the Full Bench of this Court by order dated 16^{th} July, 2013 in the matter of District Inspector of Schools (SE), Kolkata –vs- Abhijit Baidya reported in 2013(3) CHN (CAL) 711.

The petitioner submits that after refunding the amount, the Pension Payment Order was issued in his favour on 24^{th} June, 2015 wherein it has been mentioned that the pension was payable to the petitioner with effect from 4^{th} September, 2014.

The petitioner submits that the Full Bench on 30th September, 2019 in G.A. No. 464 of 2018 in APO 104 of 2006, APO 121 of 2007 arising out of W.P. No. 1528 of 2002 clarified that if an employee has opted for the Pension-cum-Gratuity Scheme within the time frame fixed in the notice dated 13th June, 2014 and has refunded the quantum of money that was notified to him/her, he/she shall be entitled to be paid pension from the date following the date of his/her retirement on superannuation in accordance with the provisions in the DCRB Rules.

According to the petitioner, he is entitled to receive pension on and from the date following his retirement and not from the date as mentioned in the Pension Payment Order.

In the instant writ petition, the petitioner has not annexed any document in support of his submission that he exercised option in terms of the notification dated 13th June, 2014 and the date on which he refunded the amount that was notified.

In view of the above, the instant writ petition is disposed of by directing the respondent No.2, the Director of Pension, Provident Fund and Group Insurance and the respondent No. 4, the Treasury Officer, Alipurduar to verify the records and in the event it is found that the petitioner exercised option and refunded the amount within the due date then steps shall be taken by them to issue the revised Pension Payment Order with effect from the date following his retirement. Such steps shall be taken within a period of twelve weeks from the date of communication of a copy of this order.

W.P.A. 558 of 2020 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)