

24.02.2022

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W.P.A. 2398 of 2022

Rabindra Nath Das & ors.

Vs.

State of West Bengal & ors.

Mrs. Sabita Khutia (Bhunya)

... for the petitioners

Mr. Anirban Roy, Ld. G.P.

Mr. Raja Saha

Mr. Biswabrata Basu Mallick

... for the State

Affidavit of service filed in Court be kept with the record.

The writ petition has been filed by three petitioners by depositing only one court fees.

I am of the opinion that all the three persons' cause of action cannot be adjudicated in the same writ petition.

In view of the above, the order passed herein is restricted in respect of the petitioner no.1 and the writ petition is dismissed in respect of petitioner nos.2 and 3.

However, dismissal of the writ petition will not stand in their way to approach this Court independently.

The grievance of the petitioner is that though he refunded the employer's share of contribution in terms of the notification published by the Government of West Bengal on 13th June, 2014 the pension was released in

his favour on and from the date of refund of the employer's share of contribution.

The petitioner submits that he is entitled to receive pension on and from the date following his retirement.

The issue in the writ petition has been decided by this Court in the matter of W.P.A. No.964 of 2022 (Sitala Mandal (Chaudhury) Vs. State of West Bengal & ors.

The judgment passed in the aforesaid matter on 8th February, 2022 will cover the present writ petition.

The 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 13th 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.

W.P.A. 2398 of 2022 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)