

18.05.2022
Ct. 5
D/L 12
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WPA 8640 of 2022

Manishi Sengupta

-Vs-

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Mr. Samir Kumar Adhikari

... for the petitioner

Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly

... for the State

Ms. Tapati Samanta,

... for the respondent no. 4

The petitioner prays for a direction on the respondents to withdraw the e-Pension Payment Order dated 21st December, 2021 and release the full pension by issuing new and rectified Pension Payment Order.

The basis for seeking such prayer is the letter from the petitioner of 10th March, 2021, by which the petitioner wrote to the District Library Officer, Jhargram stating that the petitioner does not intend to commute any amount from his pension. The letter of Directorate of Pension, Provident Fund and Group Insurance of 23rd March, 2022 is also placed which shows that commutation of pension was given by the Pension Sanctioning Authority in Form-C dated 11th May, 2021.

Learned counsel appearing for the District Library Officer/respondent no. 4 places the relevant Rules and Form-C of the DCRB Scheme. Counsel also places the duly filled up Form-C which shows that the petitioner has asked for commutation of 40% of his basic pension on 11th May, 2021.

The relevant Rule which is to be taken into consideration is paragraph 42 of the DCRB Scheme read with Form-C. Paragraph 42 provides that an application for commutation of pension without medical examination will be made after the date of retirement and the commutation shall then become absolute, that is, the retired person shall become entitle to receiving the commuted amount of pension on the date on which his application is received by the Competent Authority. Paragraph 42 also provides that an employee who has applied for commutation of pension without medical examination will have no option to withdraw his application.

This Rule read with Form-C filled up and applied by the petitioner on 11th May, 2021 clearly shows that the petitioner had applied for commutation of 40% of his basic pension. The letter relied upon by the petitioner precedes his application in Form-C and all the documents in the writ petition refer to this date i.e. 11th May, 2021 on which basis the Pension Payment Order was issued to the petitioner on 21st December,

2021. The Form-C read with paragraph 42 shows that there is no provision for an employee to withdraw the application for commutation of pension, once an employee has made such an application, which in the present case is on 11th May, 2021. The petitioner hence cannot pray for any direction on the respondent authorities to withdraw the e-Pension Payment Order or issue rectified Pension Payment Order.

WPA 8640 of 2022 is accordingly dismissed without, however, any order as to costs.

(Moushumi Bhattacharya, J.)