

Court No. 13
29.06.2022
(Item No. 419)
(SB)

W.P.A. 10603 of 2022

Lakshman Chandra Biswas
VS
The State of West Bengal & Ors.

Mr. Banshi Badan Maity for the petitioner

Mr. Bhaskar Chakraborty..... for the State

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

The issue to be decided in the present writ
petition is whether an employee will be entitled to receive
pension on and from the date following retirement or from
the date of refund of the employer's share of contribution.

The petitioner retired from service on attaining
the age of superannuation on 28.02.2013.

In response to the notification published by the
School Education Department being No. 79-SE(L)/SL/5S-
56/13(Pt-V) dated 13th June, 2014 issued in compliance of
the direction passed by the Hon'ble Special Bench of this
Court in the judgment dated 16th July, 2013 in the matter
of District Inspector of Schools (S.E.), Kolkata -vs- Abhijit
Baidya the petitioner exercised option to switch over from
CPF to GPF and refunded the employer's share of
contribution with interest and additional interest on
15.09.2014.

Pension Payment Order was issued in favour of the
petitioner with effect from the date of refund of the
employer's share of contribution.

The petitioner claims that pension ought to have
been released on and from the next date of retirement and

not from the date of refund of the employer's share of contribution.

A similar issued has been decided by this Court in the matter of WPA No. 964 of 2022 (Sitla Mandal (Chaudhuri) -vs- State of West Bengal & Ors.).

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

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.

Affidavit of service kept with the record.

WPA 10603 of 2022 is disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Rajasekhar Mantha, J.)