

26.08.2022
Ct. no.13
Sl. No.517
sp

W.P.A. 12861 of 2022

[Reba Ghosh -Vs- The State of West Bengal & Ors.]

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra,
Ms. Ina Bhattacharya
... .. for the petitioner

Mr. Rezaul Hossain
....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
30.09.2008.

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 claims to have refunded the employer's share of contribution with interest and additional interest on 19.09.2014.

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 issue has been decided by this Court in the matter of WPA No. 964 of 2022 (Sitala 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 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.

For the aforesaid purpose, the DI of Schools concerned shall process the claim for arrears of pension and make/forward a necessary recommendation/sanction to the DPPG expeditiously. The DPPG in turn shall act based on such recommendation/sanction

The writ petition stands 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.)