

W.P.A. 19070 of 2011

Sunil Kumar Roy
Vs.
The State of West Bengal & Ors.

Ms. Indrani Chakraborty
Ms. Sarda Sha
...for the petitioner

Ms. Sima Adhikari
Ms. Kakali Naskar
...for the State

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the State-respondents. On perusal of two orders dated 13th March, 2015 and 27th April, 2015, it appears that petitioner had opted to switch over from Contributory Provident Fund-cum-Gratuity to Pension and Family Pension-cum-Gratuity on 15th July, 2014 in terms of Government Notification dated 13th June, 2014 which was issued pursuant to the direction of the Special Bench as contained in the Judgement dated 16th July, 2013. The direction was given by the coordinate Bench on 27th April, 2015 directing the State-respondents to make an endeavour to release pensionary benefits in favour of the petitioner based on exercise of his option on 15th July, 2014.

Meanwhile, seven years have passed and today, Ms. Indrani Chakraborty, learned advocate representing

the petitioner submits that she has no instruction whether petitioner has received the retiral benefits or not.

Considering the aforesaid situation, this Court finds that in view of exercise of option by the petitioner as recorded in the order dated 27th April, 2015 on 15th July, 2014 and pursuant to the Government Notification dated 13th June, 2014, he is entitled to receive benefits under Pension and Family Pension-cum-Gratuity Scheme.

If by this time, the benefits under Pension and Family Pension-cum-Gratuity Scheme have not been extended in favour of the petitioner, the same shall be released within a period of 4 (four) weeks from the date of communication of this order by the concerned respondents.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)