

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

June 14, 2022
ARDR
(100)

WPA 643 of 2022

Madhumita Maitra

Vs.

The State of West Bengal & ors.

Mr. Debajit Kundu

...for the petitioner.

Mr. S. K. Saha,

Mr. M. Rahman,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner's father, since deceased, was an Assistant Teacher of Kharija Berubari High School, District Jalpaiguri and superannuated on 30th April, 2021. The employee initially exercised option under the Contributory Provident Fund-cum-Gratuity for which his case was not considered within the purview of the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit Scheme), 1981 for getting pension. He has received gratuity as per the Pension Payment Order by the concerned authority. In terms of a Notification published by the School Education Department the employee exercised option to come under the New Revised Pay Scale as per ROPA, 1990. He was initially not allowed to switch over to the General Provident Fund Scheme (in short 'GPF

Scheme') from the Contributory Provident Fund Scheme (in short 'CPF Scheme'). Pursuant to several judgments passed by this Court the petitioner was allowed to switch over from the CPF Scheme to GPF Scheme and refunded the employer's share of contribution along with interest on 24th September, 2014. Pension Payment Order was issued in his favour on 16.11.2015 with effect from 24th September, 2014.

It is contended on behalf of the employee that in view of the judgments passed by this Court, the employee is entitled to pension from the date following the date of retirement of the employee in accordance with DCRB Rules.

It is submitted on behalf of the State respondents that the prayer of the petitioner may be allowed subject to depositing the employer's share of contribution along with interest and additional interest thereon. The employee has deposited the employer's share of contribution with interest and additional interest thereon on 24th September, 2014.

In view of the above, the writ petition is disposed of directing the Director of Pension Provident Fund & Group Insurance, West Bengal and the Treasury Officer, Jalpaiguri being the 4th and 5th respondents herein to verify the relevant records and in the event it is found that the employee has exercised option and

has refunded the employer's share of contribution along with interest and additional interest thereon within the specified time period, the concerned authorities are directed to take steps for issuance of revised Pension Payment Order with effect from the date following the date of superannuation of the employee. The authorities are further directed to release the arrear pension in accordance with the revised Pension Payment Order within two months from the date of communication of this order.

WPA 643 of 2022 is thus, disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)