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Ct-08

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FMA 1274 of 2018
with
I.A No. CAN 1 of 2022
Rama Chatterjee (Chakraborty)
Vs.
State of West Bengal & Ors.
with
FMA 1276 of 2018
with
I.A No. CAN 1 of 2022
Sukumar Mondal
Vs.
State of West Bengal & Ors.
with
FMA 1299 of 2018
with
I.A No. CAN 1 of 2022
Sarswati Roy Hajra
Vs.
State of West Bengal & Ors.

Mr. Kanailal Samanta
... For the Appellant in
all the matters

Mr. Amal Kumar Sen, Ld. A.G.P
Ms. Sahina Sumi
... For the State in
FMA 1274 of 2018 &
FMA 1276 of 2018

Mr. Amal Kumar Sen, Ld. A.G.P
Mr. Sabyasachi Mondal
... For the State in
FMA 1299 of 2018

All these three appeals involved common question of law and facts, by consent of parties, we dispose of the same by passing a common order.

Mr. Amal Kumar Sen, learned A.G.P representing the State, has fairly submitted that in view of dismissal of Special Leave Petition being SLP(C) Diary No. 1398/2020 (The State of W.B & Ors. Vs. Abdul Ghani & Ors.) on 5th January, 2022, paragraph 55 of the Special

Bench Judgment in the case of Md. Abdul Ghani Vs. State of West Bengal & Ors. passed on 30th September, 2019 is required to be followed and the appellant would be entitled to pension from the date following the date of his/her retirement on superannuation in accordance with the provisions in the D.C.R.B Rules.

In view of the aforesaid submission made by the State and having regard to the fact that the appellant was receiving pension after he/she refunded the amount on the basis of his/her exercising option to pension-cum-gratuity, the interregnum period between the date of retirement and the date of refund he/she would be entitled to pension and the respondent authorities would be required to recalculate the pension amount for the aforesaid period by issuing a fresh P.P.O within four weeks from date.

Mr. Sen has further submitted that after the dismissal of the Special Leave Petition the State has preferred a review application being R.V.W No. 5 of 2022 in connection with G.A No. 465 of 2018, A.P.O No. 121 of 2007 and W.P.O No. 1528 of 2022 and the said review application is still pending.

However, having regard to the fact that as on date the order of the Special Bench is required to be implemented in view of the dismissal of the Special Leave Petition being SLP(C) Diary No. 1398/2020, we direct the payment of the differential amount, payable for the above-mentioned period, shall be paid within a period of four weeks from date. In default, the said amount attracts interest @18% p.a till actual disbursement.

On such consideration, all the appeals along with the connected applications are disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)