

58.
16.10.2023
S.D.

W.P.A. 8260 of 2021

**Supriya De
Vs.
The Union of India & Ors.**

Mr. Apurba Kumar Bandyopadhyay
Ms. Shagufia Yasmin
...For the Petitioner

Mr. Shiv Chand Prasad
....For the P.F. Authority

Mr. Sanjay Saha
...For the Respondent No. 5

Mr. Bandyopadhyay, learned counsel appearing on behalf of the petitioner submits that by a communication dated May 24, 2023 from the Ministry of Labour and Employment, Government of India, intimated that the hard copies of the Joint Option Form submitted by the petitioner prior to his retirement in December 2019, cannot be considered by the respondent authorities/the Regional Provident Fund Commissioner. It was requested that the Joint Option Form regarding pension on higher wages had to be submitted online by using the necessary link.

A Joint Option form was filed by the petitioner for receiving the higher pensionary benefits. Such online Form was uploaded on June 19, 2023.

Mr. Saha, learned counsel appearing on behalf of the respondent no. 5/Employer/WBMDTCL (West Bengal Mineral Development and Training Corporation Limited) submits that the employer has no objection with regard to the disbursement of higher pensionary benefits to the petitioner as long as the additional contribution is made by the petitioner.

Pursuant to the directions of this Court, Mr. Prasad, learned counsel appearing on behalf of the Employees' Provident Fund Organization (EPFO) hands over the necessary instructions in Court. From the Instructions dated October 9, 2023 issued by the Assistant Provident Fund Commissioner (APFC), it appears that a sum of Rs.10,22,194/- is payable by the petitioner/Shri Supriya Dey. The said sum is required to be paid by him within three months from the date of communication of the order along with prospective interest.

The said communication of APFC was made to the Director, WBMDTCL.

Furthermore, by a communication dated October 13, 2023 issued by the RPFC, it appears that the petitioner is entitled to enhanced pensionary benefits of Rs.17,758/- per

month. Total arrears payable to the petitioner with effect from December 20, 2017 after deducting the pension amount is an aggregate sum of Rs.10,25,308/-.

Considering the rival submissions of the parties and the materials placed on record, this Court directs the difference of arrears of pension (Rs.10,25,308/-) and the sum payable by the petitioner (Rs.10,22,194/-) to be paid by the petitioner within one month from the date of this order. In the event, the said sum is paid by the petitioner within one month from the date of this order, the petitioner will be eligible for higher pensionary benefits. The same will be disbursed to him month by month starting from the month of January 2024 onwards.

The first of such higher benefits will be payable to the petitioner within January 10, 2024.

With the directions aforesaid, **W.P.A. 8260 of 2021** is **disposed of.**

Written instructions dated October 9 & 13, 2023 as handed over in Court today are retained with the records.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)