

24.08.2023
AKG
Court 238
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WPA 16032 of 2023
Sk. Md. Habibar Rahaman
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
... For the petitioner.

Ms. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee
... For the State.

The petitioner retired as an Assistant Teacher from Kalidaha Primary School, Dist. Howrah on April 30, 2007.

The petitioner was initially under the Contributory Provident Fund Scheme. Subsequently, he was allowed to switch over to Pension-cum-Gratuity Scheme following a Memo No. 749 SE(L)/SL/55-56/13(Pt-V) dated June 13, 2014 and accordingly Pension Payment Order was issued in favour of him with effect from the date of refund of employer's share of contribution with interest, i.e., September 2, 2014.

The petitioner by filing this writ petition claims that he should be given pensionary benefits from the date of his retirement.

From an affidavit filed by the State *in WPA 24390 of 2022 (Motiur Rahaman vs. The State of West Bengal*

& Ors.), it appears that by a Memo No. 1481-SE(Law)/5S/737/08(Pt.) dated December 13, 2022 the Commissioner of School Education, West Bengal through Memo No. 610(49) –LP dated December 20, 2022 directed all the District Inspector of Schools (SE) to comply with the directions of this Court where pension was directed to be given from the date of retirement instead of date of refund of Government's share of Contributory Provident Fund, subject to decision of Review application so filed by the State against such orders.

There is no ground that the petitioner should be treated differently. Accordingly, this writ petition is disposed of with a direction upon the State to release the pensionary benefits in favour of the petitioner with effect from date of his retirement, subject to the result of the Review application, if any, pending before this Court.

Accordingly, **WPA 16032 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)