

Item No. 10
16.02.2023
Court. No. 19
GB

W.P.A. 21794 of 2022

Gour Hari Mahanta
VS
The State of West Bengal & Ors.

*Ms. Pampa Dey (Dhabal),
Mr. Somnath Banerjee*

...for the Petitioner.

*Mr. Lalit Mohan Mahata,
Mr. Rudranil De*

...for the State.

*Mr. Sandipan Banerjee,
Mr. Sobhan Majumder*

...for the Birbhum Zilla Parishad.

It has been submitted on behalf of the State respondents that the petitioner is getting full pension. Thus, a misleading statement was made by the petitioner. It was alleged that the said commuted value was not given, but the pension had been deducted as if 40% of the pension amount had been commuted.

Next, the Zilla Parishad has not come up with any satisfactory answer on the points:- (a) whether the petitioner had filed the application dated September 5, 2018 counter-signed by the District Magistrate, Birbhum seeking 40% commutation of pension. (b) whether the said application had been forwarded to the Director of Pension, Provident Fund & Group Insurance (DPPG) within the prescribed time (c) whether the petitioner was given full pension or reduced pension, due to commutation.

The law provides that if prayer for commutation is made after one year then certain medical examinations, etc., would have to be conducted on the pensioner.

The writ petition is disposed of granting liberty to the petitioner to apply before the Zilla Parishad with his prayer for commutation of 40% of the pension. The Zilla Parishad shall forward the application to the DPPG West Bengal.

The State respondents have submitted that if the petitioner fills in the requisite form to be supplied by the Zilla Parishad and the Zilla Parishad forwards the same, further steps shall be taken to consider the belated claim for commuted pension, in accordance with law and Rule 45 of the West Bengal Panchayat (Recruitment and Conditions of Appointment of Employees of Zilla Parishad) Rules, 1997, shall be followed.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)