

27.7.2023

ap
08

WPA 24390 of 2022

Motiur Rahaman
Vs.
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
... For the petitioner.

Mr. Pinaki Dhole
Mr. Avishek Prasad
... For the State.

The petitioner retired as an Assistant Teacher from Battala Adarsa High Madrasah on February 29, 2012

The petitioner was initially under the Contributory Provident Fund Scheme. Subsequently, he was allowed to switch over to Gratuity-cum-Provident Fund Scheme following a Memo No. 79 SEL/SL/5S-56/13(Pt-V) dated June 30, 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., February 04, 2019.

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

From the affidavit filed by the State, 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 24390 of 2022** 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.)