

Item no. 4
13.06.2023
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 453 of 2023
Shiv Shankar Thakur
versus
State of West Bengal & Ors.**

**Mr. Debjit Kundu
...For the Petitioner.
Mr. Hirak Barman
Mr. Momenur Rahman
...For the State.**

The affidavit-of-service filed in Court today is retained with the record.

The present writ application has been filed, inter alia, praying for a direction upon the respondent nos. 4 and 5 to sanction pension in favour of the petitioner from the date following the date of retirement of the petitioner, i.e., 31st January 2010 and to release arrear of pension from 1st February 2010 to 28th September 2014.

Records would reveal that the petitioner was an Assistant Teacher of Garopara Bidhan Chandra High School (H.S.) and had joined the service on 1st January 1968. After rendering about 33 years of service, the petitioner retired from service on 31st January 2010 upon attaining the age of superannuation.

In response to the notification published by the School Education Department being No. 79-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014 issued in compliance of the direction passed by the Hon'ble Special Bench of this Court in the judgment dated 16th July, 2013 in the matter of ***District Inspector of Schools (S.E.), Kolkata -vs- Abhijit Baidya*** the petitioner exercised option to switch over from **CPF to**

GPF and claims to have refunded the employer's share of contribution with interest and additional interest on 24.09.2014.

Pension Payment Order was issued in favour of the petitioner with effect from the date of refund of the employer's share of contribution.

The petitioner claims that pension ought to have been released on and from the next date of retirement and not from the date of refund of the employer's share of contribution.

I have heard the learned advocates for the parties, considered the materials on record as also orders passed by this Court in similar facts.

Having regard to the aforesaid, instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer to verify the records, and in the event, it is found, that the petitioner exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then steps shall be taken to issue Revised Pension Payment Order in favour of the petitioner with effect from the date following the date of retirement on superannuation and to release the pension in accordance with the Revised Pension Payment Order. Such steps shall be taken within a period of twelve weeks from the date of communication of a copy of this order. Payment shall positively be released immediately upon issuance of the Revised Pension Payment Order.

Since no affidavit-in-opposition has been invited, the allegations contained in the petition are deemed not to be admitted.

The writ petition being **WPA 453 of 2023** stands **disposed of**.

There shall be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Raja Basu Chowdhruy, J.)