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15.06.2023.
Ct. 3
RS

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

WPA 563 of 2023

**Alpana Mukherjee
-versus-
The State of West Bengal and Ors.**

Ms. Matan Chakraborty

... for the petitioner.

Mr. Hirak Barman
Mr. Momenur Rahman

... for the State.

Counsel for the respective parties are
present.

The affidavit-of-service and the copy of the
challan submitted by the counsel for the petitioner be
kept with the record.

The petitioner was working as Assistant
Teacher and on attaining the age of superannuation,
the petitioner retired with effect from 30.06.2012.
Initially, during the service period, the petitioner opted
for Contributory Provident Fund-cum-Gratuity and
subsequently, the petitioner has deposited the benefit
received by the petitioner under the Contributory
Provident Fund-cum-Gratuity along with interest
totaling to Rs.6,26,182/- and opted for regular
pension. On receipt of the amount of Rs.6,26,182/- on
09.09.2014 the respondent authorities have granted

regular pension to the petitioner with effect from 08.04.2015. Now, the petitioner submits that as the petitioner retired with effect from 30.06.2012 and has deposited the benefit received by the petitioner under the Contributory Provident Fund-cum-Gratuity along with interest, the petitioner is entitled to regular pension from 30.06.2012 instead of 08.04.2015.

Counsel for the petitioner further submits that the petitioner was granted pension only with effect from 08.04.2015 but the petitioner is entitled to family pension with effect from 30.06.2012 and the petitioner is also entitled to interest from 30.06.2012 till 08.04.2015 .

Considered the submission made by the counsel for the parties. Perused the materials on record.

The writ petition is disposed of by directing the respondents, particularly, the respondent nos. 4 and 5 to grant pension of the petitioner with effect from 30.06.2012 instead of 08.04.2015 and also to grant interest at the rate of 9 % per annum on the gratuity as well as arrears of pension with effect from 30.06.2012 till 08.04.2015 within a period of two months from the date of communication of this order.

WPA No. 563 of 2023 is thus disposed of.

(Krishna Rao, J.)