

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

WPA 654 of 2023

**Prafulla Chandra Sarkar
-versus-
The State of West Bengal and Ors.**

Mr. Sakti Pada Jana
Mr. Debajit Kundu

... for the petitioner.

Mr. Subir Kumar Saha
Mr. Pretom Das

... for the State.

The petitioner has filed the present writ application praying for a direction upon the respondent nos. 4 and 5 for sanction of pension to the petitioner with effect from 31.10.2007 instead of 09.09.2014.

The petitioner was initially appointed as Assistant Teacher on 01.04.1968 and thereafter he was promoted to Head Teacher and on 31.10.2007. The petitioner has been superannuated from the post of Head Teacher. The petitioner has exercised the option under the Pension and Gratuity Scheme for getting the benefit of DCRB Scheme, 1981 and subsequently, the petitioner had returned the benefit with interest on 09.09.2014 and opted for

regular pension. The respondent authorities have accepted the amount with interest deposited by the petitioner on 09.09.2014 and subsequently on 19.06.2015 Pension Payment Order was issued in favour of the petitioner by allowing pension to the petitioner with effect from 09.09.2014 instead of 31.10.2007.

Counsel for the petitioner submits that it is the settled law that as the petitioner has deposited the benefit received by the petitioner and as the petitioner had opted for pension scheme which was duly accepted, petitioner is entitled to get the pension with effect from the date of his retirement date i.e. 31.10.2007.

The petitioner has relied upon unreported judgments passed in **WPA 964 of 2022 [Sitala Mandal (Chaudhuri) vs. The State of West Bengal & Ors.]** and **WPA 2646 of 2022 (Anita Bose vs. The State of West Bengal & Ors.)**.

Considered the submission made by the counsel for the respective parties. Perused the judgments relied by the petitioner.

This Court finds that the case of the petitioner is covered by the judgments, as mentioned above. The respondent authorities are directed to grant the petitioner pension with effect

from 31.10.2007 instead of 09.09.2014 within a period of eight weeks from the date of communication of this order.

WPA No. 654 of 2023 is thus disposed of.

(Krishna Rao, J.)