

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

WPA 2837 of 2022

**Asit Kumar Khamari
-versus-
The State of West Bengal and Ors.**

Ms. Matan Chakraborty
Mr. Asit Kumar De

... for the petitioner.

Mr. Bikramaditya Ghosh
Mr. Pretom Das

... for the State.

Counsel for the respective parties are
present.

The petitioner has filed the present writ
application praying for a direction upon the
respondent nos.4 and 5 for sanction of pension
of the petitioner with effect from 01.02.2013
instead of 10.12.2014.

The petitioner was initially appointed as
Assistant Teacher and has been
superannuated from his service on 31.01.2013.
Initially, the petitioner has opted under the
scheme framed for the benefit of Contributory
Provident Fund-cum-Gratuity and accordingly,
the case of the petitioner was not considered
within the purview of the West Bengal

Recognized Non-Government Educational Institution Employees (Death-Cum-Retirement Benefit Scheme), 1989. Subsequently, on 29.08.2014 the petitioner has deposited the amount received under the provident fund along with the interest total amounting to Rs.5,18,735/-. After receipt of the said amount, the respondent authorities have granted pension to the petitioner with effect from 10.12.2014 instead of 01.02.2013. Though the petitioner superannuated from the post of 31st January, 2013.

In view of the above, this Court finds that the date of the benefit of the petitioner is to be corrected as 01.02.2013 instead of 10.12.2014. The respondents are directed to take appropriate steps for granting the pensionary benefit of the petitioner with effect from 01.02.2013 instead of 10.12.2014 within a period of four weeks from the date of communication of this order.

WPA No. 2837 of 2022 is thus disposed of.

(Krishna Rao, J.)