

16.04.2024.
Court No. 13
Item no. 19.
pk

W.P.A. No. 3885 of 2024

Alok Kumar Mukherjee
Versus
The State of West Bengal & Ors.

Mrs. Jayita Dhar Chakraborty
..for the petitioner.

Affidavit of service filed in Court today is
kept with the record.

The issue to be decided in the present writ
petition is whether an employee will be entitled
to receive pension on and from the date following
retirement or from the date of refund of the
employer's share of contribution.

The petitioner's wife retired from service
on attaining the age of superannuation on
31.07.2001.

In response to the notification published
by the School Education Department, on 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,
Kolkata -vs- Abhijit Baidya the petitioner
exercised option to switch over from CPF to GPF
and refunded the employer's share of

contribution with interest and additional interest on 12.09.2014 and employee died on 10.01.2014.

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.

A similar issued has been decided by this Court in the matter of WPA No. 964 of 2022 (Sitla Mandal (Chaudhuri) -vs- State of West Bengal & Ors.).

The judgment passed in the aforesaid matter on 8th February, 2022 will cover the present writ petition.

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.

With these observations, the writ petition is disposed of.

There will 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.

(Rajasekhar Mantha, J.)