

05.04.2024
(D/L-45)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 6676 of 2024

Muktimoyee Pal (Dey)
-Vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
.... For the Petitioner.
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
.... For the State.

Affidavit-of-service filed by the learned advocate
for the petitioner be kept with the record.

The petitioner was an approved Assistant
Teacher of a secondary school and retired from her
said service on superannuation on May 31, 2012.

The petitioner is claiming to have exercised
option to switch over to Pension-cum-Gratuity from
CPF-cum-Gratuity and refunded the employer's
share of contribution with interest and additional
interest in terms of the order of the Hon'ble Division
Bench dated July 26, 2023 passed in MAT 146 of
2019.

The grievance of the petitioner is that the
Pension Payment Order was issued with effect from
the date of the aforesaid refund, instead from the
date following the date of her retirement on
superannuation.

The petitioner by the instant writ petition is
praying for issuance of a writ of mandamus
commanding the respondents to release the arrear

pension from the date following such date of retirement.

Learned advocate for the State-respondents does not oppose the prayer of the petitioner.

In view of the judgment of the Special Bench of this Court in the case of ***DISTRICT INSPECTOR OF SCHOOLS(SE), KOLKATA vs. ABHIJIT BAIDYA*** reported in **2013(3) CHN (CAL) 711** and in view of subsequent clarification of some of the paragraphs of the said judgment by the Special Bench in its order dated **September 30, 2019** on **G.A. 464 of 2018**, the issue is no longer *res integra*.

The concerned District Inspector of School (SE) is directed to verify the records expeditiously to ascertain as to whether the petitioner refunded the employer's share of contribution in terms of the order dated July 26, 2023 of the Hon'ble Division Bench **(Supra)**.

In the event, it is found that the said amount was so refunded, the said authority shall process the claim of the petitioner for arrears of pension and shall forward the necessary recommendation and/or sanction to the Director of Pension, Provident Fund and Group Insurance, who, in turn, shall take steps to issue Revised Pension Payment Order in favour of the petitioner with effect from the date following the date of her retirement on superannuation and the concerned Treasury Officer, thereafter shall release the pension in accordance with the Revised Pension Payment Order.

Entire exercise in this regard is required to be completed within a period of twelve weeks from the date of communication of this order.

W.P.A. 6676 of 2024 stands disposed of with the above directions. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)