

05.08.2024.
PB
Sl. No.87.
Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 10129 of 2024

Debasis Bhounmik
Vs
The State of West Bengal & Ors.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Mr. Ranjit Malakar.
.....for the petitioner.

The wife of the petitioner was a primary school teacher. She retired on 24th September, 2023. While the wife of the petitioner was alive, she acted in accordance with the notification published by the School Education Department being No.749-SE(L)/SL/SS/56/13 (PT-B) dated 13th June, 2014 and exercised option to switch over from CPF to GPF and also refunded the employer's share of contribution with interest and additional interest within the time as specified in the said Government Order. The revised PPO has been issued, but the pension amount has been paid on and from the date of refund of the amount, but not from the next date of retirement.

The petitioner prays for pension on and from the next date of retirement of his wife.

Similar issue has been decided by this Court in the matter of Sitala Mandal (Chaudhuri) Vs. The State of West Bengal & Orr. in WPA 964 of 2022 judgment dated 8th February, 2022.

The petitioner will be guided by the same order. As the teacher has died in the meantime, accordingly, the revised PPO is required to be issued in favour of the deceased employee.

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 spouse of 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 of her spouse 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 this order. Payment shall positively be released

immediately upon issuance of the Revised Pension Payment Order.

The writ petition stands disposed.

Leave is granted to the petitioner to rectify the typographical error in the prayer portion of the writ petition.

Urgent certified photocopy of this order, if applied for, be supplied to the parties as early as possible.

(Amrita Sinha, J.)