

05.08.2024.
PB
Sl. No.88.
Ct. No.14.

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

WPA 10705 of 2024

Shila Adhikary
Vs
State of West Bengal & Ors.

Mr. Sutirtha Nayek.
.....for the petitioner

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder,
Mr. Amman Arif Ansvari.
.....for the DPSC.

Ms. Munmun Tewary,
Mr. Md. Abu Reja J. Kabir.
.....for the State.

Affidavit-of-service filed in Court today be kept
with the records.

The petitioner claims to be the sole legal heir of
a deceased primary school teacher. The school
teacher, when he was alive, exercised his option to
switch over from CPF to GPF and refunded the
employer's share of contribution with interest and
additional interest in response to the notification
published by the School Education Department being
749-SE (L)/SL/5S-56/13(Pt-V) dated 13th 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 (S.E.), Kolkata -Vs- Abhijit
Baidya.**

Pension Payment order was issued in favour of the teacher with effect from the date of refund of the employer's share of contribution.

The petitioner claims that the teacher ought to have been released the amount on and from the next day of retirement and not from the date of the employer's share of contribution.

The issue in question as to whether the teacher will be entitled to receive the pension on and from the date following retirement or from the date of refund of the employer's share of contribution has already been decided by the Court in WPA 964 of 2022 (**Sitala Mandal (Chaudhuri) -Vs- State of West Bengal & Ors**).

The petitioner has already applied before the respondent authorities seeking the arrear pension on and from the next date of retirement of the teacher. The same is pending consideration before the respondents.

As it appears that the issue in question has already been decided by the Court, accordingly, the District Inspector of Schools (Primary Education) Uttar Dinajpur is directed to process the claim for arrears of pension and forward the necessary recommendation to the DPPG at the earliest. The DPPG shall take steps on the basis of such recommendation.

The documents relating to his heirship shall be forwarded by the petitioner to the aforesaid respondent to satisfy his claim regarding sole heir.

The DPPG and the concerned Treasury Officer is directed to verify the records, and in the event, it is found that the teacher 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 of the teacher and to release pension in accordance with the revised PPO. Steps shall be taken within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 9th October, 2023 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands **disposed of**.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)