

24.04.2024.
Court No.13
Item No. 95
pk

W.P.A. No. 11029 of 2024

**Smt. Krishna Som
Versus
State of West Bengal and others**

Mr. Ashim Kumar Haldar,
...For the petitioner.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is aggrieved that the Pension issued to him from the date of refund in terms of the decision of the Special Bench of this Court in the case of ***DI of Schools v. Abhijit Baidya*** reported in ***2013 SCC OnLine Cal 13189***
3. The petitioner claims that he is entitled to pension from the date of actual retirement as clarified by another Special Bench of this Court in the case of ***Md. Abdul Ghani v. State of West Bengal and Ors.*** in ***APOT 104 of 2006***.
4. In view of the above, the petitioner shall be entitled to arrears of pension from the next date of retirement. Let the arrears be paid to the petitioner within a period of two months from date together with interest at the rate of 8 per cent per annum on the principal amount of arrears due indicated above,with effect from 01.11.2019.
5. Let a modified pension payment order be issued to the petitioner as expeditiously as possible.

6. The writ petition is disposed of
7. There will be no order as to costs.
8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)