

26.06.2024.  
Court No.13  
Item No. 33  
ap

**W.P.A. No. 13693 of 2024**  
**Rabindra Nath Shee**  
**Versus**  
**The State of West Bengal & Ors.**

Mrs. Sabita Khutia (Bhunya).  
...For the petitioner.  
Mr. Sudipto Panda,  
Ms. Arpita Mondal.  
...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner's wife was an Assistant Teacher under the State. She retired from service on 30<sup>th</sup> September, 2011. Upon refund of the employer's share of Contributory Provident Fund together with interest, pension was paid to her with effect from 17<sup>th</sup> September, 2014. The employee died on 25<sup>th</sup> September, 2017. The petitioner prays for arrears of pension from the date after the retirement i.e. 1<sup>st</sup> October, 2011 till 16<sup>th</sup> September, 2014.
3. It is now well-settled that even in case of delayed conversion from CPF to GPF and upon refund of employer's contribution to CPF, pension would be payable to the employee concerned from the date after the date of retirement.
4. In that view of the matter, this Court directs the Director of Pension, Provident Fund and Group Insurance, West Bengal to pay arrears of pension to the petitioner on account of his wife, namely, Manju

Shree from 1<sup>st</sup> October, 2011 till 16<sup>th</sup> September, 2014 within a period of one month from date for delay in approaching the Court from 2014 till date.

5. The petitioner shall not be entitled to interest from 2014. The petitioner shall, however, be entitled to interest at the rate of 8% per annum for the period between 1<sup>st</sup> October, 2011 till 16<sup>th</sup> September, 2014, on the said arrears, which shall be paid within a period of one month from the date of receipt of a copy of this order along with the writ petition.

6. In default of payment of the arrears as stipulated hereinabove, the rate of interest shall increase to 9% per annum.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. 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.)**