

10.07.2024
Court No.13
Item No.34
AP

WPA 14347 of 2024

**Dinabandhu Bera
Vs.
State of West Bengal and Ors.**

Mr. Sujit Bhunia

... For the Petitioner.

Ms. Jayeeta Sinha
Mr. Sandip Mandal

... For the State.

1. The petitioner claims arrears of pension from the date of retirement i.e. 30th November, 2004 till 24th July, 2015 when he was issued PPO upon exercised of option.

2. A Full Bench of this Court in the case of ***Md. Abdul Ghani Vs. State of West Bengal*** reported in **2019 SCC Online Cal 9326** has held that upon exercise of option from CPF to GPF, a retired employee shall be entitled to pension from the date after the date of retirement.

3. In these circumstances, the petitioner shall be paid arrears of pension from 1st December, 2004 till 26th September, 2014 within a period of two months from the date of receipt of a copy of this order along with a copy of this writ petition.

4. This Court is not inclined to award any interest on the arrears since the writ petition has been filed five years after the decision of the aforesaid Full Bench in the case of ***Md. Abdul Ghani Vs. State of West Bengal (supra)***.

5. With the aforesaid direction, the writ petition is disposed of.

6. There shall be no order as to costs.

7. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)