

22.08.2024.
PB
Sl. No.17.
Ct. No.14.

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

WPA 19027 of 2024

Monazara Nafis & Ors.
Vs
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. S. Das,
Ms. S. Pramanik.
.....for the petitioner.

Mr. B. P. Vaisya,
Mr. Nilay Baran Mandal.
.....for the respondent no.3.

Mr. Sougata Mitra,
Mr. Sk. Hossain Ali.
....for the State.

The order dated 10th July, 2024 passed by the Director, Pension, Provident Fund and Group Insurance rejecting the prayer of the petitioner for grant of arrear pension on and from the date after the date of retirement of the petitioner and not from the date of refund of the Contributory Provident Fund amount is impugned in the instant writ petition.

Whether an employee will be entitled to receive pension on and from the date following the next date of retirement or from the date of refund of the

employer's share of contribution has been conclusively decided by a Larger Bench of this Court and followed by several other Benches.

A similar issue has been decided by this Court on 8th February, 2022 in the matter of WPA No. 964 of 2022 (Sitala Mandal (Chaudhuri) -vs- State of West Bengal & Ors.).

Facts being the same, the judgment passed in the aforesaid matter will apply in the present writ petition.

The 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 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 heir(s) of the deceased teacher with effect from the date following the date of retirement 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.

For the aforesaid purpose, the DI of Schools concerned shall process the claim for arrears of pension and make/ forward necessary recommendation/ sanction to the DPPG expeditiously. The DPPG in turn shall act based on such recommendation/sanction.

The impugned order is set aside and 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.)