

04.09.2024
Court No. 18
Item No.26
(Suvendu)

WPA 21850 of 2024

Sultana Begum
-Versus-

State of West Bengal & Ors.

Mr. Sagnik Mukherjee

.....for the petitioner

Affidavit of service filed on behalf of the
petitioner is taken on record.

Petitioner is a retired Assistant Teacher
who superannuated on 31st December, 2010 and
got the benefit under the Contributory Provident
Fund Scheme (CPF). Subsequently, petitioner
exercised option to come under the Pension-
cum-Gratuity Scheme in terms of Government
notification dated 13th June, 2014 which was
issued in terms of the judgment of the Special
Bench dated 16th July, 2013 passed on intra
court appeal being APO No.94 of 2009 (State of
West Bengal & Ors. -vs- Abhijit Baidya & Ors.).

It has also been submitted on behalf of
the petitioner that as per demand of the State
respondents she has deposited the amount
along with interest and additional interest which
she received under CPF Scheme.

However, the grievance of the petitioner is after taking steps in terms of the said notification dated 13th June, 2014 by issuing pension payment order dated 26th June, 2015 pensionary benefit was sanctioned in favour of the petitioner not from the date following the date of her retirement but from the date of refund which she made after exercising option in terms of the said notification dated 13th June, 2014. Petitioner claims issuance of revised pension payment order thereby sanctioning pensionary benefits from the date following the date of her superannuation based on the judgment of the Special Bench dated 30th September, 2019 passed on intra Court appeal being APO No.121 of 2007.

The State respondents are not represented in spite of service of notice.

This Court has heard the learned advocate representing the petitioner and has perused the relevant materials available on record.

It appears that the petitioner did exercise option within time in terms of the said notification dated 13th June, 2014 and the petitioner on duly exercising option in terms of

notification dated 13th June, 2014 switched over from CPF to Pension-cum-Gratuity Scheme. On placing reliance on paragraph 55 of the judgment of the Special Bench dated 30th September, 2019, this Court does not find any impediment in extending the benefit of pension to the petitioner from the date following the date of her retirement provided exercise of option is made within time and refund has been made as per the calculation of the State respondents.

Accordingly, this Court directs the State respondents to issue revised pension payment order in favour of the petitioner within twelve weeks from the date of communication of this order thereby extending the benefit of pension from the date following the date of her superannuation.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)

