

18
30.09.2024
NB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23223 of 2024

Ananda Mohan Bera
Vs.
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
...for the petitioner.

Mr. Bhaskar Prasad Vaisya Id. AGP.,
Mr. Ranjan Saha.
...for the State.

Affidavit-of-service filed in Court today is taken on record.

The petitioner though submitted his option for enjoying benefit under the GPF Scheme but failed to refund the amount in terms of the notification published by the State Government because of acute financial distress. The petitioner presently intends to refund the said amount along with additional interest.

The petitioner applied before the District Inspector of Schools (P.E), Purba Medinipur with his prayer but there is no response till date.

Learned advocate appearing on behalf of the petitioner relies upon the order passed by the coordinate Bench in similar circumstances.

Reference has also been made to the judgment delivered by the Hon'ble Division Bench on 26th July, 2023 in MAT 146 of 2019 (The State of West Bengal & Ors. –vs- Muktimoyee Pal (Dey) and others).

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E), Purba Medinipur to consider the prayer of the petitioner

for refund of the employer's share of contribution with interest together with further interest @12% per annum on and from the date of notification being No.749-SE(L)/SL5S-56/13(Pt)-V dated 13th June, 2014 till the date of actual payment.

The amount to be refunded by the petitioner shall be calculated by the concerned District Inspector of Schools (P.E), Purba Medinipur and communicated to the petitioner for payment.

Upon refund of the intimated amount within a period of two weeks from the date of intimation, the petitioner's prayer for the benefit in terms of the notification dated 13th June, 2014 shall be processed and fresh pension payment order shall be issued within a period of eight weeks thereafter.

The pension shall be paid to the petitioner on and from the next date of superannuation.

It is made clear that the petitioner will not be entitled to claim any interest upon the payment that will be made in terms of this order.

Learned advocate appearing for the petitioner is directed to forward all documents in support of his claim to the District Inspector of Schools (P.E), Purba Medinipur at the time of communicating the order of the Court.

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.

(Jay Sengupta, J.)