

10.07.2024.
Court No.13
Item No. 12
ap

W.P.A. No. 27330 of 2023

**Dhananjay Gayen
Versus
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Halder.

...For the petitioner.

Mr. Avijit Sarkar,
Mr. Debangshu Bandhu.

...For the State.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha.

....For the DPSC, South 24 Parganas.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner was an Assistant Teacher under South 24 Parganas District Primary School Council and lastly at Chandpur Free Primary School in the district of South 24 Parganas. He worked from 25th February, 2010 till 31st December, 2019 for a period of nine years ten months and seven days. There is a shortfall of 53 days in qualifying service for pension of the petitioner.
3. Death-cum-Retirement Benefit Scheme of the State permits the respondents to condone a shortfall upto six months.
4. The petitioner has received retiring gratuity from the Director of Pension, Provident Fund and Group Insurance, West Bengal in terms of his Pension

Payment Order dated 9th March, 2021. No amount of pension has been paid to him. It is not known as to whether Provident Fund has been received by the petitioner.

5. Be that as it may, this Court is inclined to condone 53 days of short fall in pension for the petitioner. The petitioner shall be entitled to pension.

6. The District Inspector of Schools (PE), South 24 Parganas and the Director of Pension, Provident Fund and Group Insurance, West Bengal shall ascertain as to whether the petitioner has been paid his CPF. If not paid, the District Inspector of Schools (PE), South 24 Parganas shall calculate the amount of refund to be made by the petitioner together with interest and additional interest within a period of ten days from the date of receipt of a copy of this order and forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal.

7. The District Inspector of Schools (PE), South 24 Parganas shall also calculate the last drawn pay of the petitioner and forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal within a period of ten days from date. Upon refund being made by the petitioner, the Director of Pension, Provident Fund and Group Insurance, West Bengal shall issue Pension Payment Order to the petitioner within a period of three weeks after receipt

of information of refund and calculation from the District Inspector of Schools (PE), South 24 Parganas.

8. In the event, the petitioner has not received the CPF, the Director of Pension, Provident Fund and Group Insurance, West Bengal shall issue a fresh Pension Payment Order in favour of the petitioner and based on the last drawn pay and calculation as may be forwarded by the District Inspector of Schools (PE), South 24 Parganas.

9. Let a fresh Pension Payment Order be issued and pension shall commence to the petitioner from 1st January, 2020 and arrears shall be paid to him without any interest within a period of three months from the date of issuance of fresh Pension Payment Order. Interest is denied because the petitioner approached this Court three years after his retirement.

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

11. There will be no order as to costs.

12. 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.)