

69.
Ct No.02
29.07.2024
ssi

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA No. 759 of 2024

Atal Krishna Saha

-vs-

State of West Bengal & ors.

Mr. Ratan Chandra Roy

...for the petitioner

Mr. Pretom Das

Mr. Kumar Shantanu

...for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was an Assistant Teacher of Kharija Rakhalmari Primary School in the District of Cooch Behar. On 30.11.2024 he retired from service. After retirement, he received only the gratuity. No pension was granted. As per notification published by the School Education Department dated 13.06.2014 issued in compliance with a direction passed by the Hon'ble Special Bench of this Court in the judgment dated 16.07.2023 in regarding District Inspector of School (SE), Kolkata.- vs- Abhijit Baidya, the present petitioner exercised the option to switch over from CPF to GPF and refunded the employer's share of contribution with interest and additional interest on 05.09.2014.

Thereafter, PPO was issued in favour of the petitioner with effect from the date of refund of the employer's share of contribution i.e. 05.09.2014. Now the petitioner claims that the pension ought to have been released on and from the next date of retirement and not from the date of refund of the employer's share of contribution. Reliance is placed on decisions passed in WPA 27424 of 2023 on 15.12.2023 (Md. Alauddin -vs- State of W.B. & ors.), on 12.03.2024 in Pratima Joardar -vs- State of W.B. & ors (WPA 487 of 2024) and on 08.02.2022 in WPA 964 of 2022.

Learned counsel appearing on behalf of the State submits that in similar matters, appropriate orders have been passed by Co-ordinate Benches of this Court.

The petitioner in this writ petition has prayed for issuance of directions upon the respondents to release the arrear pension from the date following the date of his retirement.

In view of the judgment of the Special Bench of this Court in the case of *District Inspector of Schools (SE), Kolkata -vs- Abhijit Baidya reported in 2013 (3) CHN Cal 711* and in view of the subsequent clarification in the order dated 30.09.2019 in G.A. 464 of 2018, the issue is now well settled.

In view of the above, the concerned District Inspector of School (SE) is directed to verify the

records expeditiously to ascertain as to whether the petitioner has exercised the said option and refunded the employer's share of contribution within the time limited by the notification.

In the event, it is found that the said option was so exercised, the said authority shall process the claim of the petitioner for arrears of pension and shall forward the necessary recommendation and/or sanction to the Director of Pension, Provident Fund and Group Insurance, who, in turn, shall take steps to issue for payment order in favour of the petitioner with effect from the date following the date of his retirement on superannuation and the concerned Treasury Officer, thereafter shall release the pension.

The entire exercise in this regard shall be completed in accordance with law and expeditiously, preferably within a period of 12 weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)