

19-11-2025
Item No.1300 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.6438 of 2024

Sk. Md. Abu Bakkar

-vs-

State of West Bengal & Ors.

Mr. Krishna Keshab Paul ...for the petitioner

Mr. Kapil Guha ...for the State

1. Affidavit of service filed in Court today be taken on record.
2. The issue to be decided in the present writ petition is whether an employee will be entitled to receive pension on and from the date of following retirement or from the date of refund of the employer's share of contribution.
3. The petitioner retired from service on attaining the age of superannuation on February 28, 2007.
4. In response to the notification published by the School Education, Department Government of West Bengal being No. 749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June 2014 issued in compliance of the direction passed by the Hon'ble Special Bench of this court in a judgement dated July 16, 2013 in the matter of District Inspector of Schools (SE), Kolkata -vs- Abhijit Baidya, the petitioner exercised option to switch over from CPF to GPF and claims to have refunded the employer's share of contribution with interest and additional interest on July 30, 2014.
5. Pension payment order was issued in favour of the petitioner with effect from the date of refund of

the employer's share of contribution.

6. The petitioner claims that 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 contribution.
7. A similar issue has been decided by this Court in WPA No.964 of 2022 in the case of Sitala Mandal (Chaudhuri) –vs- State of West Bengal & Ors.
8. The judgement passed in the aforesaid matter on 8th February 2022 will cover the present writ petition.
9. In view thereof, the writ petition is disposed of by directing the Director of Pension, Provident Fund & Group Insurance, West Bengal; the District Inspector of Schools (SE), Purba Bardhaman and the concerned Treasury Officer to verify the records; and in the event it is found that the petitioner 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 petitioner 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.
10. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order. All payments shall positively be released immediately upon issuance of the revised pension payment order.
11. All parties are to act on the server copy of this order duly downloaded from the official website of

this Court.

12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]