

26.03.2025
Item No. 13
Court No.19
SK

In The High Court At Calcutta
Constitutional Writ Jurisdiction
W.P.A. 6679 of 2025

Mathur Majee & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Ratul Ghosal
.....for the petitioners.
Mr. Susanta Kr. Mukherjee,
Mr. Mihir Kundu ...for the State.

Affidavit-of-service filed by the learned advocate
for the petitioners be kept with the record.

The uncle of the petitioners was an approved
Head Teacher of a primary school, on attaining the
age of superannuation; he had retired from his
service on September 30, 2009 and died on June 25,
2019.

The petitioners are claiming that the said
employee concerned had exercised option to switch
over to Pension-cum-Gratuity from CPF-cum-
Gratuity and refunded the employer's share of
contribution with interest and additional interest
within the time limited by the notification of the
Government of West Bengal bearing No. 749-
SE(L)/SL/5S-56/13(Pt-V) dated June 13, 2014.

The grievance of the petitioners is that the
Pension Payment Order was issued with effect from
the date of the aforesaid refund, instead from the
date following the date of retirement of the employee
concerned on superannuation.

The petitioners by the instant writ petition are praying for issuance of a writ of mandamus commanding the respondents to release the arrear pension from the date following such date of retirement of the employee concerned.

Learned advocate for the State respondents does not oppose the prayer of the petitioners.

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 subsequent clarification of some of the paragraphs of the said judgment by the Special Bench in its order dated **September 30, 2019** in **G.A. 464 of 2018**, the issue is no longer *res integra*.

The concerned District Inspector of School (PE) is directed to verify the records expeditiously to ascertain as to whether the employee concerned had exercised the said option and refunded the employer's share of contribution within the time limited by the aforesaid notification dated June 13, 2014.

In the event, it is found that the said option was so exercised, the said authority shall process the claim of the petitioners 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 Revised Pension Payment Order in favour of the petitioners with effect from the date following the

date of retirement of the concerned employee on superannuation and the concerned Treasury Officer, thereafter shall release the arrear pension in accordance with the Revised Pension Payment Order.

Entire exercise in this regard is required to be completed within a period of twelve weeks from the date of communication of this order.

W.P.A. 6679 of 2025 stands disposed of with the above directions. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)