

26 04.08.2025
SM Court No.759

WPA 14982 of 2025

**Sankar Kumar Niyogi
Vs
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda
Ms. Haritri Roy

... for the petitioner

Mr. Biplab Guha
Mr. Bijabrata Dey

... for the State

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

The petitioner is a retired Head teacher who
superannuated on 31st December, 2012 and got the
benefit under the Contributory Provident Fund Scheme
(CPF). Subsequently, the petitioner exercised his option
to come under the Pension-cum-Gratuity Scheme in
terms with the Government notification dated 13th
June, 2014 which was issued in terms with the
judgment of the Special Bench dated 16th July, 2013
passed on intra court appeal being APO No.94 of 2009
(State of West Bengal & Ors. -vs- Abhijit Baidya &
Ors.).

It has also been submitted on behalf of the
petitioner that as per the demand of the State

respondents, the petitioner had deposited the amount along with interest and additional interest, if applicable, received by him under CPF Scheme.

However, the grievance of the petitioner is that, after taking steps in terms of the said notification dated 13th June, 2014 and the issuance of the pension payment order dated 24th April, 2015, pensionary benefits were sanctioned in favour of the petitioner not from the date following the date of petitioner's retirement, but from the date of refund which petitioner made after exercising option in terms of the said notification dated 13th June, 2014. Petitioner now claims issuance of revised pension payment order, thereby sanctioning pensionary benefits from the date following the date of petitioner's superannuation, based on the judgment of the Special Bench dated 30th September, 2019 passed in intra Court appeal being APO No.121 of 2007.

The State respondents are represented by learned advocates who have also submitted that based on the judgment dated 30th September, 2019 of the Special Bench the benefit of pension has been accorded to other similarly circumstanced retired teachers from the date following the date of their superannuation, provided exercise of option was made within time in terms of the said notification dated 13th June, 2014 and

the refund was made by the concerned teacher as per the calculation of the State respondents.

This Court has perused the writ petition and heard the learned advocates representing the parties and has perused the relevant materials available on record.

It appears that the petitioner has exercised the option within time in terms of the said notification dated 13th June, 2014 and the petitioner on duly exercising such option in terms of the notification dated 13th June, 2014 switched from CPF to Pensioncum-Gratuity Scheme. Placing reliance on paragraph 55 of the judgment of the Special Bench dated 30th September, 2019, this Court does not find any impediment in extending the benefit of pension to the petitioner from the date following the date of petitioner's retirement, provided the option was exercised within time and the refund was made as per the calculation of the State respondents. Accordingly, this Court directs the State respondents to issue revised pension payment order in favour of the petitioner within twelve weeks from the date of communication of this order thereby extending the benefit of pension from the date following the date of the petitioner's superannuation.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Rajarshi Bharadwaj, J.)