

**Santa Dey
Vs
The State of West Bengal & Ors.**

Mr. Goutam Malik

... for the petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP

Mr. Nilay Baran Mandal

... for the State

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

The issue to be decided in the present writ
petition is whether an employee is entitled to receive
pension on and from the date following retirement or
from the date of refund of the employer's share of
contribution.

The husband of the petitioner retired from service
upon attaining the age of superannuation on
31.10.2009 and died on 05.03.2020.

In response to the notification published by the
School Education Department being No. 79-
SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014
issued in compliance with the direction passed by the
Hon'ble Special Bench of this Court in the judgment
dated 16th July, 2013 in the matter of District
Inspector of Schools (S.E.), Kolkata -vs- Abhijit Baidya,
the husband of the petitioner exercised 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.

Pension Payment Order was issued in favour of the husband of the petitioner with effect from the date of refund of the employer's share of contribution.

The petitioner claims that pension ought to have been released on and from the next date of retirement of the husband of the petitioner and not from the date of refund of the employer's share of contribution.

A similar issue has been decided by this Court in the matter of WPA No. 964 of 2022 (Sitala Mandal (Chaudhuri) –vs- State of West Bengal & Ors.).

The judgment passed in the aforesaid matter on 8 th February, 2022 covers the present writ petition.

Instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance and the concerned Treasury Officer to verify the records, and in the event, it is found, that the husband of the petitioner exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then appropriate steps shall be taken to issue a Revised Pension Payment Order in favour of the petitioner with effect from the date following the date of retirement of her husband on superannuation, and to release the pension in accordance with the Revised

Pension Payment Order. Such steps shall be taken within a period of twelve weeks from the date of communication of a copy of this order. Payment shall be released immediately upon issuance of the Revised Pension Payment Order.

For the aforesaid purpose, the D.I. of Schools concerned shall process the claim for arrears of pension and make/forward a necessary recommendation/sanction to the DPPG expeditiously. The DPPG, in turn, shall act based on such recommendation/sanction.

With these observations, the writ petition is disposed of.

There will be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Rajarshi Bharadwaj, J.)