Court No. 2
(1490)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

02.04.2025
(JPD 17)
(S. Banerjee)

WPA 645 of 2025

Manju Dutta @ Datta
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Debjit KUndu
... for the petitioner

Mr. Pretom Das
Mr. Kumar Shantanu
... for the State

The petitioner who was an Assistant Teacher of a secondary school, retired from service on September 30, 2010 upon attaining the age of superannuation. Initially a Pension Payment Order was issued in favour of the petitioner for payment of Gratuity but no pension was sanctioned in favour of the petitioner. Thereafter the petitioner applied for pension and refunded the amount which she received on account of her share towards Contributory Provident Fund benefits with interest thereon. After refund of the said amount the Pension Payment Order dated April 21, 2015 was issued.

Mr. Jana, learned advocate appearing for the petitioner submits that the pension was sanctioned in favour of the petitioner with effect from the date of refund made by the petitioner. He places reliance upon the Special Bench decision of this Court dated September 30, 2019 in GA No. 464 of 2018 arising out of APOT No. 104 of 2006 in the case of *Md. Abdul Ghani –Vs.- State of West Bengal & Ors.* and submitted that the Hon'ble Special Bench clarified that an employee who has opted for pension/gratuity scheme and has also refunded the quantum of money that was notified to him/her, he/she shall be entitled to be paid pension from the date following the date of his/her retirement on superannuation in accordance with the provisions of the DCRB Rules.

The learned advocate for the State, however, does not dispute the fact that the petitioner is entitled to pension with effect from the date following the date of her superannuation.

In view thereof, this Court holds that since the petitioner has refunded the amount, she shall be entitled to pension with effect from the date following her retirement on superannuation.

In view thereof, respondent nos. 2 and 3 are directed to take all consequential steps to issue a revised Pension Payment Order as expeditiously as possible but positively within a period of four weeks from the date of receipt of the server copy of this order.

The respondent authorities are directed to release the arrear amount to the petitioner on account of issuance of revised Pension Payment Order within a period of three months from the date of issuance of the revised Pension Payment Order.

With the aforesaid directions, WPA 645 of 2025 stands allowed.

(Hiranmay Bhattacharyya, J.)