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NANDY

(CPF-GPF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/1660/2026

PARIMAL SARKAR & ORS.

VS.

THE STATE OF WEST BENGAL ORS.

Mr. Sourav Mitra, Advocate
Ms. Sreyasree Choudhury, Advocate
Mr. Banshi Badan Maity, Advocate

.....for the Petitioner

Mr. Naren Ghosh Dastidar, Advocate
Mr. Chiranjib Das, Advocate

.....for the State

1. Affidavit-of-service filed in Court today, is 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 following retirement or from the date of refund of the employer's share of contribution.
3. The father of the petitioners retired from service on attaining the age of superannuation on 31.05.2003 and died on 17.05.2021.
4. In response to the notification published by the School Education Department 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 the judgment dated 16th July, 2013 passed in the case of *District Inspector of Schools (S.E.), 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 22.08.2014 and 23.11.2014.
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 petitioners' claim that pension ought to have been released on and from the next date of retirement of the

- employee and not from the date of refund of the employer's share of contribution.
7. A similar issue has been decided by this Court in WPA/964/2022 in the matter of *Sitala Mandal (Chaudhuri) Vs. State of West Bengal & Ors.* This order has not been carried in appeal and has attained finality.
 8. In find no reason to take a different view and respectfully agree with His Lordship's view as expressed in *Sitala Mandal (supra)*.
 9. The judgment passed in the aforesaid matter on 8th February, 2022 will cover the present writ petition.
 10. Therefore, I direct the Director of Pension, Provident Fund and Group Insurance, and the District Inspector of Schools (SE), Purba Burdwan 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.
 11. 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.
 12. With the afore-stated directions, the writ petition is **disposed of**. No order as to costs.
 13. Urgent Photostat Certified Copy of this order, if applied for, be made available to the petitioner upon compliance with requisite formalities.

(Reetobroto Kumar Mitra, J.)

