

16.05.2023
(I.No.2)
Ct.-18
(P.Jana)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 16317 of 2021

Smt. Bithika Dey

-Vs-

The State of West Bengal & ors.

Mr. Chandan Dutta,

Mr. Gautam Malik,

.... For the Petitioner.

Mr. Supriyo Chattopadhyay, Sr. Govt. Adv.

Mr. Suman Dey, ... For the State.

The petitioner was an Assistant Teacher of Burnpur Subhashpally Vidyaniketan Girls' High School, District : Paschim Bardhaman.

The petitioner while switching over from CPF Scheme to GPF Scheme deposited an excess amount.

The Co-ordinate Bench by an order dated February 12, 2020 passed in WP 2054 (W) of 2016 directed the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no. 3 herein to assess the said excess amount.

The respondent no. 3, on being so directed, by his order dated September 30, 2020 has assessed the said amount at Rs. 1,31,696/- and directed the District Inspector of Schools (S.E), Paschim Bardhaman, the respondent no. 4 herein to take steps for refund of the said amount.

The petitioner is complaining that in spite of the aforesaid direction, such amount has not yet been refunded.

Mr. Chattopadhyay, learned Senior Government Advocate, submits that he has received instruction

from the Commissioner of School Education, Government of West Bengal, the respondent no. 2 herein wherefrom it would appear that the matter is now pending before the School Education Department. He files photocopy of the said instruction, let it be kept with the record.

The petitioner, admittedly has paid an excess amount of Rs. 1,31,696/- while opting for GPF Scheme from CPF Scheme and the said amount has been directed to be refunded.

The Principal Secretary, Education Department, Government of West Bengal is therefore, directed to take steps for refund of the said excess amount to the petitioner within a period of six weeks from the date of communication of this order.

The petitioner has prayed for interest on the said amount but since she has accepted the order of respondent no. 3 dated September 30, 2020 whereby only the principal amount was directed to be refunded, this Court is unable to entertain her such prayer.

WPA 16317 of 2021 is thus disposed of without any order as to costs.

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

(Biswajit Basu, J.)