

15.12.2023
ct. no. 13
Sl. No.53
sp

W.P.A. 28264 of 2023

Golak Behari Dutta
-Vs-
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Mr. Dwarikanath Mukherjee,
Ms. Sreyasree Choudhury
... for the petitioner

Mr. Suman Dey
...for the State

1. The petitioner was appointed as an Assistant Teacher on 1st October, 1972. He superannuated from service on 31 January, 2004. He was given benefit of the ROPA 1990 which itself was given effect from April 1, 1986.
2. In a decision dated June 28, 2016 passed by a Division Bench of this Court in R.V.W. 68 of 2016 arising out of MAT 598 of 2015 (The State of West Bengal & Ors. Vs. Smt. Jharna Bandopadhyay & Ors.), it was held that an employee, who had exercised option to retire at the age of 60 years, is automatically covered under ROPA 1990 and consequently automatically entitled under GPF Scheme.
3. In the normal circumstances, the petitioner would automatically come under the GPF Scheme. However, the petitioner exercised option

in terms of the decision of this Court in the case of ***District Inspector of Schools vs. Abhijit Baidya*** reported in ***(2013) 3 CHN 711*** and was asked to deposit a sum of Rs. 2,47,560/- by the said Inspector of Schools, Polba Circle. The challan was issued. The petitioner could not deposit the said sum due to his wife's illness. His wife finally died in the year 2019.

4. The petitioner is now willing to deposit the said sum together with further interest. In terms of the dicta of a Division Bench of this Court in the decision dated July 26, 2023 in MAT 146 of 2019 (The State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors, the petitioner shall be entitled to so deposit the amount of Rs. 2,47,560/- with further interest @ 12% per annum on and from September 1, 2014 till the date of actual deposit.
5. Upon amount being tendered, the treasury officer, Raina-II Circle, Purba Bardhaman and the said school, Polba Circle shall accept the same and process the petitioner's papers for issuance of formal PPO. Pension shall be paid to the petitioner from the date of actual superannuation.
6. Let the PPO be issued within a period of 1 month by the DPPG of such deposit as indicated hereinabove. Arrears shall be paid within a period

of 3 months thereafter. However, there shall be no interest payable to the petitioner.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)