

10.04.2024
Sl. No.169
pk

W.P.A. 4814 of 2024

Sunil Kumar Ghorai
-Vs-
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
... for the petitioner

Mr. Abhishek Banerjee,
Ms. Parna Roy Chowdhury
... for the State.

Affidavit of service filed in court today is kept with the record.

The petitioner was appointed as an Assistant Teacher of Baharampur Primary School. He superannuated from service on 31.03.2001. He was given benefit of the ROPA, 1990, which itself was given effect from April 1, 1986.

It is also submitted that an employee who had exercised option to retire at the age of 60 years, is automatically covered under ROPA 1990 and 1998 consequently automatically entitled to GPF Scheme.

In the normal circumstances, the petitioner would automatically come under the GPF Scheme. However, the petitioner has exercised the option on 27.06.2014 before the school authority in terms of 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 the amount of the Government Share of the contributory provident fund (CPF) with interest and additional interest to the concerned treasury office but the petitioner could not deposit the same due to his extreme financial hardship.

The petitioner is now willing to deposit the said amount of the Government Share of the contributory provident fund amount with interest and additional interest

together with further interest. The petitioner has made representation before the respondent authority on 19.01.2024 for consideration, which is still unconsidered.

In those circumstances, the concerned respondent authority is directed to consider the petitioner's case in terms of dicta of a Division Bench of this Court in the order dated July 26, 2023 passed in MAT 146 of 2019 (The State of West Bengal and others Vs. Muktimoyee Pal (Dey) and others) and the petitioner shall be entitled to so deposit the amount of Government Share of contributory provident fund with interest and additional interest together with further interest @12% per annum on and from the date of notification being no.749-SE(L)/SL5S-56/13(Pt.)-V dated 13th June, 2014 till the date of actual deposit.

Upon such amount being tendered by the petitioner to the concerned treasury office within a period of 2 weeks the concerned District Inspector of Schools shall accept the same and process the petitioner's pension papers for issuance of PPO within a period of one month thereafter. The pension shall be paid to the petitioner from the date of actual superannuation.

Let the PPO be issued within a period of two months by the DPPG of such deposit as indicated hereinabove. The petitioner is entitled to receive the arrear pension within a period of one month thereafter. However, it is made clear that the petitioner will not be entitled to claim any interest in regard to such payment.

With the aforesaid directions, the instant writ petition is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajasekhar Mantha, J.)