

03.10.2024.
Court No. 2
Item No. 59
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 2227 of 2024

Purnadev Ray
Vs
The State of West Bengal & Ors.

Mr. Debjit Kundu.
.....for the petitioner.

Mr. Momenur Rahman.
Mr. Bikash Singha.
... For the State.

1. Affidavit-of-service filed today in Court be kept with the records.
2. The petitioner is a retired clerk of a school approximately 74 years of age. He intends to avail the benefit in terms of the notification dated 13th June 2014 being No. 749-SE(L)/SL5S-56/13(Pt.)-V. For the purpose of obtaining benefit under the aforesaid notification the petitioner is required to refund the employer's share of contribution with interest and additional interest.
3. He exercised his option to refund the same but practically he is in such penury that he is unable to refund the entire amount of Rs. 3,94,505/- as has been assessed by the District Inspector of Schools (SE), Jalpaiguri. He has refunded a sum of Rs. 1,50,000/- only in March, 2015.
4. It has been submitted by the learned advocate for the petitioner that the petitioner will get the benefit

from the year 2010 and the amount will be enough to adjust the employer's share of CPF which the petitioner was unable to refund.

5. The petitioner has filed an application before the District Inspector of Schools (SE), Jalpaiguri with a request to adjust the amount to be refunded with the amount which will be payable to him.

6. It appears from the submission made on behalf of the petitioner that despite his best interest to refund the employer's share of contribution, he is unable to do so because of acute financial crisis.

7. The DI has already assessed the amount liable to be refunded by the petitioner. The DI of Schools is directed to calculate the amount which will be payable to the petitioner. If the amount to be received by the petitioner exceeds the amount to be refunded by him, then the amount which is to be refunded by him shall be adjusted from the amount payable and the balance amount be paid to the petitioner.

8. The DI of Schools shall make necessary calculation at the earliest and dispose of the prayer of the petitioner positively within a period of ninety days from the date of communication of this order.

9. The DI of Schools after calculation shall forward the documents to the office of the DPPG, Uttar Kanya for issuance of revised PPO in favour of the petitioner immediately thereafter.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)