

S/L 26
05.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2178 of 2025

Dilip Kumar Mukherjee

Vs.

The State of West Bengal & Ors.

Mr. Saurav Mitra
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Jahar Datta
Mr. Subrata Mukherjee

...for the State.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

The petitioner was an Assistant Teacher in a
Secondary School, on attaining the age of superannuation
he has retired from service on January 31, 2004.

The petitioner is praying permission to refund the
Government's share of contribution in his provident fund
account with interest and additional interest to avail the
benefit of pension.

Mr. Mitra, learned advocate for the petitioner
submits that the petitioner since has exercised option to
come under ROPA, 1990 in terms of the judgment dated
July 26, 2023 passed by the Hon'ble Division Bench of
this Court in **MAT 146 of 2019 (*The State of West
Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors.*)**,
need not exercise a fresh option, but to get the benefit of
pension, is obliged to refund the Government's share of
contribution in his provident fund account.

The District Inspector of Schools (S.E.), Bankura,
the respondent no. 4 herein is therefore directed to
calculate the amount required to be refunded by the
petitioner to get the benefit of pension and upon deposit
of the said amount, the said respondent, being the pension
sanctioning authority shall verify the pension papers of

the petitioner and shall send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein for further steps to be taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

The respondent nos. 4 & 3 shall complete their respective drills in this regard as expeditiously as possible.

WPA 2178 of 2025 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)