

Item No. 16
Monthly List February 2025
10.02.2025
Court No.19
SK

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2673 of 2025

Durgapada Pathak

Vs.

The State of West Bengal & Ors.

*Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra*

...for the Petitioner.

*Mr. Amit Gupta,
Mr. Shibasish Banerjee*

...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 April 30, 1998.

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.

Mrs. Sabita Khutia Bhunya, 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.), Howrah, 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 2673 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 of all requisite formalities.

(Biswajit Basu, J.)