

24.03.2025
Item No.22,DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 6326 of 2025

Hemanta Kumar Hembram

-Vs-

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhuniya),
Mr. Krishna Pada Santra.
.....for the petitioners.
Mr. Ratul Biswas,
Md. Zakir Hossain.
.....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 Primary School, on attaining the age of
superannuation he has retired from service on
January 31, 2012.

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 (P.E.), Paschim Medinipur, 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 6326 of 2025 is disposed of with the above terms without any order as to costs.

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.)