

17 18.08.2025
SM Court No.759

WPA 16111 of 2025

**Mahadeb Das
Vs
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)

... for the petitioner

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

The petitioner was appointed as an Assistant
Teacher on 22.12.1969. He superannuated from
service on 31.08.2010. He was given benefit of the
ROPA 1990 which itself was given effect from April 1,
1986.

In a decision dated June 28, 2016 passed by a
Division Bench of this Court in R.V.W. 68 of 2016
arising out of MAT 598 of 2015 (The State of West
Bengal & Ors. Vs. Smt. Jharna Bandopadhyay & Ors.),
it was held that an employee, who had exercised option
to retire at the age of 60 years, is automatically covered
under ROPA 1990 and consequently automatically
entitled under GPF Scheme.

In the normal circumstances, the petitioner
would automatically come under the GPF Scheme.

However, the petitioner exercised option in terms of the 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 a sum of Rs. 3,23,896/- by the said Inspector of Schools. The challan was issued. The petitioner could not deposit the said sum due to his wife's illness.

The petitioner is now willing to deposit the said sum together with further interest. In terms of the dicta of a Division Bench of this Court in the decision dated July 26, 2023 in MAT 146 of 2019 (The State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors, the petitioner shall be entitled to so deposit the amount of Rs. 3,23,896/- with further interest @ 8% per annum on and from September 1, 2014 till the date of actual deposit.

Upon amount being tendered, the District Inspector of Schools (P.E.) Howrah shall accept the same and process the petitioner's papers for issuance of formal PPO. Pension shall be paid to the petitioner from the date of actual superannuation.

Let the PPO be issued within a period of 1 month by the DPPG of such deposit as indicated hereinabove. Arrears shall be paid within a period of 3 months thereafter. However, there shall be no interest payable to the petitioner.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)