

06.11.2025
Sl. No.16(DL)
Ct. No.7
srm

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

W.P.A. No. 19344 of 2025

Sanatan Mandi

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Ms. Arpita Saha

...for the Petitioner.

Mr. Abhishek Chakraborty

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to allow the petitioner to deposit the employer's share of Contributory Provident Fund amount with interest and additional interest and to grant and disburse arrear pension of the petitioner from the next date of retirement and pension along with arrears.
3. The petitioner contends that he was appointed as Assistant Teacher in Khanamura Primary School on 15th September, 1970 and after rendering 33 years of service he retired on superannuation on 31st May, 2007. The petitioner exercised option under ROPA 1990 and ROPA 1998. The petitioner seeks permission to deposit the Government's share of contribution his

in contributory provident fund account with interest and additional interest to avail the benefit of pension.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that since the petitioner has exercised option to come under ROPA 1990 and ROPA 1998 in terms of the judgment dated 26th July, 2023 in passed by the Hon'ble Division Bench of this Court in ***State of West Bengal versus Muktimoyee Pal (Dey) & Ors. (In Re: MAT 146 of 2019)*** the petitioner 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.
5. Report filed by the State is taken on record.
6. Mr. Abhishek Chakraborty, learned Advocate for the State submits that switch over from CPF to GPF option as per G.O. No.749-SE dated 13th June, 2014 has to be made within stipulated time and as such the petitioner is not entitled to get pension.
7. The aforesaid aspect as raised by learned advocate for the State has been negated by the Hon'ble Division Bench in *Muktimoyee Pal (Dey) (supra)*.
8. In view of the above, the respondent No.4, District Inspector of Schools (Primary Education), Paschim Medinipur is 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

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

9. The respondent Nos.4 and 3 shall complete the respective exercise as expeditiously as possible and the pension shall be paid to the petitioner on and from the date of superannuation of the petitioner.
10. With the above direction, the writ petition being **WPA 19344 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)