

S/L 12
17.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23342 of 2024

Santi Ranjan Rakshit
Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia Bhunya

... for the Petitioner.

Mr. Santanu Mitra

Ms. Kakali Pal

... 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 July 31, 2002.

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.), 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 23342 of 2024 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.)