

Ct. No.7 V/B 14.10.2025
 D/L
Saikat 156

WPA/23953/2025
DULAI BISWAS
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra, Adv.

...For the Petitioner

Mr. Anuruz Zaman, Adv.

Mr. Haji Sajjad Alam, Adv.

...For the State

1. Affidavit of service filed in court today be kept with the record.
2. The learned advocate appearing for the petitioner has moved the writ application praying for similar order as passed in WPA 16048 of 2025 dated 18th August, 2025.
3. On hearing both the parties, a similar order is also passed in the present case.
4. The petitioner was an Assistant Teacher in a Secondary School, on attaining the age of superannuation he has retired from service on 29.02.2004.
5. 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.
6. Mr. Mitra, 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.

7. The District Inspector of Schools (S.E.), Jhargram, 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.

8. The respondent Nos. 4 & 3 shall complete their respective drills in this regard as expeditiously as possible.

9. The pension shall be paid to the petitioner on and from the date of superannuation of the petitioner.

10. WPA 23953 of 2025 is disposed of with the above terms without any order as to costs.

11. It is made clear that the District Inspector of Schools (SE), Jhargram, shall be at liberty to consider the

eligibility of the writ petitioner while considering the prayer of the writ petitioner in accordance with law.

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

13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

[SHAMPA DUTT (PAUL), J.]