

14th Nov., 2025
Item no.43
Court No. 18

AGM

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 25501 of 2025**

In the matter of :

Nayan Ranjan Chakraborti

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Ms. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra.

Ms. Arpita Saha.

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. None appears on behalf of the State respondents.
3. The petitioner was serving as an Assisting Teacher in a school. He retired from service on attaining his age of superannuation on 29th February, 2004.
4. He prays for granting permission to refund the Government's share of contribution in his provident fund account along with interest and additional interest so that he can get the benefit of the pension scheme. It has been submitted that the petitioner exercised option under ROPA 1990 and ROPA 1998. The petitioner received pension under ROPA 2009.
5. Reliance has been placed on the judgment delivered by the Hon'ble Division Bench on 26th July, 2023 in MAT 146 of 2019 (State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors.) wherein the Court held that the teacher is not required to exercise fresh option

but get the benefit of pension if the Government's share of contribution in his provident fund account is refunded along with interest and additional interest.

6. The petitioner asserts that option was exercised in terms of ROPA 1990. He is willing to refund the contributory provident fund amount with interest and additional interest to avail the benefit of pension.
7. In view of the above, the instant writ petition stands disposed of by directing the DI of Schools (SE), Kolkata to verify whether petitioner exercised option under ROPA 1990. If it is found that he exercised option under ROPA 1990, then the DI shall calculate the amount to be refunded by the petitioner to avail the pension scheme within a period of twelve weeks from the date of communication of this order. If the petitioner refunds the calculated amount within a period of two weeks from the date of receiving the statement of refund, then the DI of Schools shall forward the pension papers of the petitioner to the office of the Director of Pension, Provident Fund and Group Insurance who will thereafter issue fresh PPO in favour of the petitioner after verification of all records within a period of eight weeks thereafter.
8. While computing the interest, the authority shall take into consideration Clause (iv) of the notification no. 749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014. The pension will be payable on and from the date of superannuation of the petitioner.
9. The writ petition stands disposed of.
10. Certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)