

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

1. Affidavit of service filed in Court today is taken on record.
2. None appears on behalf of the State respondent.
3. The petitioner was serving as an Assisting Teacher in a secondary school and he retired from service on attaining the age of superannuation on October 31, 2000.
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 switch over to the pension scheme.
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 claims 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 calculate the amount refunded by the petitioner to avail the pension scheme within a period of eight 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]