

6th Feb., 2026
Item no.D/L 36
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 1747 of 2026**

In the matter of :

Md. Abdur Rouf

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Sourav Mitra

Ms. Sreyasree Choudhury

....Advocates

For the State:

Mr. Moloy Roy

Mr. Pashu Pati Sana

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a retired teacher. He seeks conversion from CPF to GPF. He retired from service on 28th February, 2002. Submission is that despite refund of the government share of provident fund amount by treasury challan in the year 2021 and 2025 pension has not yet been disbursed in his favour.
3. The observation of the Assistant Director, Pension, Provident Fund & Group Insurance, West Bengal dated 17th January, 2022 mentions that the employee opted to come under DCRB 1981 on 30th March, 1986 but deposited the government's share of CPF on 3rd December, 2021. As the employee retired long prior to the date of refund of the government's share of CPF, no PPO has yet been issued in his favour.

4. Learned advocate for the petitioner relies on the judgment passed 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 to 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.
5. As the Hon'ble Division Bench held that the teacher is not required to exercise fresh option if option was exercised in terms of ROPA 1990 and the petitioner asserts that option was duly exercised in terms of ROPA 1990, accordingly, the instant writ petition stands disposed of by directing the District Inspector of Schools, Secondary Education, South 24 Parganas to verify as to whether the amount refunded by the petitioner is in accordance with the notification no. 749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014.
6. If the refund is found to be proper, then the District Inspector of Schools shall forward the pension papers of the petitioner to the office of the Director of Pension, Provident Fund & Group Insurance for issuance of the Pension Payment Order in his favour after verifying all records.
7. The District Inspector of Schools shall take steps in the matter at the earliest but positively within a period of six weeks from the date of receipt of this order.
8. The Director of Pension, Provident Fund & Group Insurance shall issue the Pension Payment Order in favour of the petitioner within a period of six weeks thereafter.

9. Pension will be payable on and from the next date of superannuation of the petitioner.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)