

28.02.2025
Item No.21,DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 4407 of 2025

Nivedita Majumdar Saha

-Vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the petitioner.
Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
.....for the State.

Affidavit of service filed on behalf of the
petitioners be kept with the record.

The petitioner was an Assistant Teacher in a
Primary School, on attaining the age of
superannuation she has retired from service on
February 29, 2012.

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.

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.

The District Inspector of Schools (P.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.

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

WPA 4407 of 2025 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.)