
(2013) 07 CAL CK 0118
In the Calcutta High Court
Case No : Writ Petition 25143 (W) of 2008

Badal Ch. Maity

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 CAL CK 0118

Hon'ble Judges : Joymalya Bagchi, J

Bench : Single Bench

Advocate : Asok Kumar Janah, Mr. Krishna Deo Das, Ms. Pampa Dey and Mr. Goutam Dinda, for the Appellant;

Judgement

Joymalya Bagchi, J.—The petitioner is an employee of a recognized non-government aided educational institution. The petitioner is presently in service. The petitioner claims to be entitled to general provident fund-cum-pension on the basis of option exercised in terms of para 5 of the ROPA 1990 by operation of the pre-amended provision of para 17(2) of the said ROPA 1990. It is submitted that subsequent 2007 amendment of para 17 of ROPA 1990 cannot take away a right, which has already accrued in favour of an employee. This issue is no longer res integra having been decided by a Special bench of this Court by judgment and order dated 16.07.2013 in APO 94 of 2009, GA 665 of 2013 with WP 694 of 2008 with all other 201 connected matters (District Inspector of Schools (SE), Kolkata & Anr. Vs. Abhijit Baidya & Ors.)

2. In view of the ratio as laid down in the said decision, if the petitioner exercises option in terms of para 76 of the said judgment in favour of the Pension-cum-Gratuity scheme pursuant to the public notice issued by the State Government, as provided in the said paragraph, seeking such option, the petitioner shall be entitled to the benefit of the said pension-cum-gratuity scheme. The writ petition is accordingly allowed.