

24.04.2024
Court No.13
Item No. 41
pk

WPA 6013 of 2016

**Smt. Tandra Biswas
Vs.
State of West Bengal and others**

Mr. Arun Kumar Paul,
Ms. Sikha P. Chowdhury
... for the petitioner.

Mr. Jayanta Samanta,
Mr. Indumouli Banerjee
... for the State.

1. The questions to be considered has been set out in detail in order dated 15th July, 2016 passed by a Co-ordinate Bench. The issue is as to whether the widow of a deceased teacher, who had already exercised option to come under ROPA 1999 is entitled to get family pension subject to refund of the amount along with interest.
2. The issue has already been decided in the case of Jyotsna Mahata Vs. the State of West Bengal and others in WPA 25476 of 2023 dated 20.12.2023.
3. In those circumstances, the petitioner shall refund the employer's share of the provident fund together with interest and further interest mandatorily and positively within a period of one month from the date of communication of the amount by the D. I. of Uttar Dinajpur.

4. Let a copy of this order along with a copy of this writ petition be supplied to the D.I., Uttar Dinajpur by the petitioner forthwith. Upon receipt of particulars, the D.I., Uttar Dinajpur shall forward the last drawn pay of the writ petitioner's husband to the concerned DPPG within a period of three weeks thereof. The concerned DPPG shall thereupon issue Pension Payment Order and release pension to the petitioner.
5. The petitioner shall be entitled to arrears of pension from the next date of superannuation of her husband.
6. The writ petition is disposed of.
7. There will be no order as to costs.
8. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)