

S/L 4
10.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 13109 of 2024

Manjura Khatun
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana

...for the Petitioner.

Ms. Debarati Sen (Bose)

...for the State.

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

The petitioner is the widow of a deceased
Assistant Teacher of a secondary school. The concerned
teacher was under the CPF scheme.

The petitioner praying permission to refund the
Government contribution in the provident fund account of
her deceased husband with interest and additional interest
to switch over from the said CPF scheme to GPF scheme to
avail the benefit of pension had filed a writ petition being
WPA 24096 of 2023

This Court, in view of the judgment of the Special
Bench of this Court in ***District Inspector of Schools
(SE), Kolkata vs. Abhijit Baidya*** reported in ***2013
(3) CHN (CAL) 711***, vide order dated January 30, 2024
passed in the said writ petition had permitted the
petitioner to refund the said amount.

Accordingly, the petitioner on March 15, 2024,
refunded a sum of Rs.11,57,729/- in the concerned
Government Treasury.

The said writ petition was disposed of on April 4, 2024 directing the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein to issue necessary Pension Payment Order (“PPO” in short) and the concerned authorities were directed to release the family pension including the arrear pension.

The petitioner in the instant writ petition is complaining that the PPO has been issued from the date of refund of the said sum, and not from the date of death of her husband.

Ms. Sen, learned advocate for the State, on instruction, candidly submits that the mistake in the PPO would be rectified.

The right of the petitioner to get the family pension had accrued to her from the date following the date of death of her husband, therefore the PPO should have been issued from the said date and the arrear pension shall be calculated accordingly.

In view of the above, the respondent no.3 is required to issue a fresh PPO in favour of the petitioner, and upon issuance of the same, the concerned authorities are directed to release the arrear pension as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

W.P.A. 13109 of 2024 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.

(Biswajit Basu, J.)