

07.08.2024
Ct. No. 14
Sl. No. 49
Amalranjan

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 17064 of 2024

**Karuna Banerjee
Vs.
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra
... For the petitioner.

Ms. Rupsha Chakraborty
Mr. Pingal Bhattacharya
... For the State respondents.

Affidavit of service filed by the petitioner in Court today is taken on record.

The husband of the petitioner was a primary school teacher who retired from service on 31st October, 2001 and expired on 15th June, 2002.

The State Government published the Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014 pursuant to which the teachers had the option to join GPF scheme upon refund of the employer's share of provident fund.

As the husband of the petitioner expired prior to the publication of the State Government Order, accordingly he could not avail the said benefit. The

petitioner, being the widow, intends to avail the benefit of the aforesaid Government Order.

The District Inspector of Schools (P.E), Howrah, vide communicating Memo dated 8th July, 2024 being No. 057/L/P/2024 has forwarded the instruction to the learned advocate representing the State respondents that there exists no provisions in the extent of Rules to allow interest of arrear pension/family pension. As per G.O. No. 749-SE(L)/SL-55-56 dated 13th June, 2014 there is no provision to the extent this benefit in favour of the petitioner.

The Court in similar circumstances permitted the widows of the deceased teacher to exercise option in terms of the aforesaid Government Order.

Reliance has been placed on the order dated 6th March, 2024 by a coordinate Bench in WPA 3480 of 2024 (Manjushri Mondal Versus The State of West Bengal & Ors.).

Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August, 2023 in FMA 620 of 2018 with IA No. CAN 1 of 2017 (Old No.CAN 7452 of 2017) (State of West Bengal Ors. Vs. Sefali Jana & Ors.).

In line with above decisions the instant writ petition is disposed of by directing the District

Inspector of Schools (PE), Howrah to process the application filed by the petitioner as expeditiously as possible.

The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.

Upon the petitioner complying all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, fresh Pension Payment Order shall be issued in her favour within a month thereafter.

The arrear of pension and family pension from the date of retirement of the employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.

Writ petition stands disposed.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)