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04.09.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19134 of 2024

**Tapati Guha
-versus
The State of West Bengal & Ors.**

**Mr. Satyendra Agarwal.
...For the Petitioner.**

**Mr. Soumen Chatterjee.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The husband of the petitioner was a primary school teacher who retired from service on attaining the age of superannuation on 4th June, 2004 and he died on 18th April, 2009. Her prayer for switching over from the CPF cum gratuity to GPF including family pension cum gratuity has been rejected by the District Inspector of Schools (PE), Uttar Dinajpur by passing a reasoned order dated 12th August, 2016. The same is impugned herein.

The State Government published the Government Order being 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 aforesaid 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.

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

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

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

In line with the above decisions the instant writ petition is disposed of by directing the District Inspector of Schools (PE), Uttar Dinajpur 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 of all formalities, including refund of deposit of the employer's share of provident fund along with interest and additional interest, a 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 death of the employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.

The impugned order dated 12th August, 2016 stands set aside.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)