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05.08.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19396 of 2024

**Rama Prasad Pati
-versus
The State of West Bengal & Ors.**

**Mr. Dwarika Nath Mukherjee,
Mr. Sourav Mitra.
...For the Petitioner.**

**Mr. Debasish Chakraborty.
...For the State.**

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

The wife of the petitioner was a primary school teacher who retired from service on 31st October, 1997 and expired on 25th February, 2022. She seeks family pension.

The District Inspector of Schools (P.E.), Purba Medinipur has forwarded instruction to the learned advocate vide Memo No. 306/P dated 5th August, 2024 mentioning that as per the provision of G.O. No. 749-SE(L)/55-56/13/(PT) dated 13th June, 2014, there is no provision to allow family pension by refunding the employer's share of CPF to the widower of the deceased teacher. For this reason the office is unable to consider his prayer.

The issue in question has been decided by this Court.

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 wife of the petitioner expired prior to the publication of the State Government Order, accordingly she could not avail the said benefit. The petitioner, being the husband, intends to avail the benefit of the aforesaid Government Order.

The Court in similar circumstances permitted the spouse 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), Purba Medinipur 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.

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.)