

20-08-2024
Item No.58
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.20213 of 2024
Dipali Basu

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya) ...for the petitioner

Mr. Shankar Halder
Ms. Suchana Banerjee ...for the State

Affidavit of service filed today in court be taken on record.

The written instructions filed on behalf of the State also be taken on record.

The husband of the petitioner was a primary school teacher who retired from service on January 31, 2000 and died on February 26, 2008.

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), 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 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 writ petition stands disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]