

10.07.2024
Court No.13
Item No. 7
pk

WPA 23761 of 2019
Fulbala Ruidas
Vs.
The State of West Bengal and others

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu
... for the petitioner.

Mr. Avishek Prasad
... for the State.

1. The writ petitioner challenges the order dated 1st October, 2019 passed by the D.I. of Schools (PE), Paschim Medinipur. By the said order, which was passed pursuant to a direction of a Single Bench of this Court dated 26th July, 2019 in WPA 7274 of 2019, the petitioner's claim for family pension has been rejected.
2. It appears from the records that the petitioner's husband, Gopal Chandra Das was a head teacher of Birghasa Primary School. He died in harness on 27.11.1986 having served the school since 1958. The petitioner's husband during his lifetime is stated to have exercised an option for pension under the DCRB Scheme and notification dated 15th May, 1985. The option form was, however, not authenticated by the S. I. of Schools, Paschim Medinipur.
3. The Office of the D.I. of Schools (PE), Paschim Medinipur treated the petitioner under the CPF

category and disbursed CPF to the petitioner and her son in December, 2002.

4. Having carefully considered the facts and circumstances of the case, this Court observes that there are some disputes as to whether the option form of the petitioner was ever sent to the Office of the D.I. of Schools (PE), Paschim Medinipur. There is attestation on the form by the Deputy Magistrate and Deputy Collector, Midnapore, date whereof cannot be deciphered.
5. This Court has, however, in several cases permitted the wife of a deceased employee covered under the DCRB Scheme of 1981 to exercise option from CPF to GPF and has allowed family pension to the wife on conditions.
6. In the above circumstances, this Court is of the view that while the impugned order cannot otherwise be faulted, the writ petitioner must be allowed to exercise option for pension.
7. This Court directs the D.I. of Schools (PE), Paschim Medinipur to calculate the amount of refund of employer's share of CPF required to be made by the petitioner, together with interest and additional interest as on date and communicate the same to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The petitioner in the meantime shall fill up the form and exercise

option for conversion to GPF on account of the service of her husband Gopal Chandra Das.

8. Upon the petitioner depositing the sum calculated by the Office of the D.I. of Schools (PE), Paschim Medinipur, calculation of the family pension payable to the petitioner shall be forwarded to the DPPG, West Bengal within a period of ten days of such refund.
9. The DPPG upon receipt of calculation of the petitioner shall issue pension payment order in favour of the petitioner within ten days thereafter and commence family pension. Family pension shall be payable to the petitioner after the date of husband's death i.e. 01.12.1986.
10. Let all arrears of family pension from 1st December, 1986 be paid to the petitioner within two months from date of issuance of PPO.
11. In the facts and circumstances of this case, this Court is not inclined to grant any interest to the petitioner on the arrears.
12. With the aforesaid observations, the writ petition is disposed of.
13. There will be no order as to cost.
14. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

