

03.10.2024
Court No.2
Sl. No.70
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 5 of 2024

**Nirmala Subba
-versus
The State of West Bengal & Ors.**

**Mrs. Sabita Khutia (Bhunya)
...For the Petitioner.**

**Mr. Hirak Barman
Mr. Sumit Kumar
...For the State.**

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

2. The husband of the petitioner was school teacher who died on 12th December, 1993 while he was in service.

3. The State Government published the Government Order No.749-SE(L)/SL/5S-56/13(Pt-V) dated 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.

4. 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.

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

6. Reliance has been placed on the order dated 6th March, 2024 by a coordinate Bench in WPA No. 3480 of 2024 (Manjushri Mondal vs The State of West Bengal & Ors.).

7. 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 CAN 1 of 2017 (Old No. CAN 7452 of 2017) (State of West Bengal & Ors. – vs- Sefali Jana & Ors.).

8. In line with the above decisions the instant writ petition is disposed of by directing the District Inspector of Schools (SE), Darjeeling to process the application filed by the petitioner as expeditiously as possible.

9. 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.

10. 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.

11. 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.

12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)