

Item No. 39
Monthly List February 2025
sandip
Ct. 19
10.02.2025

In The High Court at Calcutta
Constitutional Writ Jurisdiction

W.P.A. 1839 of 2025

Nila Pal

Vs.

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

...For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...For the State.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The husband of the petitioner was an approved Assistant Teacher of a primary school, on attaining the age of superannuation he had retired from his service on February 29, 2000. The concerned teacher was under the C.P.F. Scheme.

The District Inspector of Schools (P.E.), South 24 Parganas, the respondent no. 4 herein, had refused to grant permission to the husband of the petitioner to switch over from C.P.F. Scheme to G.P.F. Scheme; the concerned teacher had challenged the said decision in a writ petition. During the pendency of the said writ petition he died on January 22, 2011. The petitioner and other heirs to the said deceased teacher did not take any step to substitute themselves in the said writ petition; in consequence it has abated; however the petitioner being the widow of the teacher is now praying permission to refund the contribution of the Government in the Provident Fund Account of his husband with interest and additional interest to get the benefit of family pension.

In view of the judgement of the Hon'ble Division Bench of this Court in ***FMA 864 of 2022 (Pramila Behara vs. The State of West Bengal & Ors.)*** and in ***FMA 620 of 2018 (State of West Bengal & Ors. vs. Sefali Jana & Ors.)***, is no longer *res integra*.

The District Inspector of Schools (PE), South 24 Parganas, the respondent no. 4 herein is therefore directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension and upon deposit of the said amount, the said respondent, being the pension sanctioning authority shall verify the pension papers of the petitioner and shall send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no. 3 herein for further steps to be taken in

accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

The respondent nos. 4 and 3 shall complete their respective drills in this regard as expeditiously as possible.

W.P.A. 1839 of 2025 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)