

S/L 38
05.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2440 of 2025

Krishna Patra

Vs.

The State of West Bengal & Ors.

Mr. Saurav Mitra
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Samir Kumar Ghosh

...for the State.

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

Mr. Ghosh, learned advocate for the State files a
report dated February 4, 2025 of the District Inspector of
Schools (SE), 24-Parganas (South), the respondent no.4;
let it be kept with the record.

The husband of the petitioner was an approved
Assistant Teacher of a Secondary School, who died-in-
harness on November 4, 1990, i.e. prior to the Notification
dated June 13, 2014 came into effect as such, could not
exercise the option to switch over from CPF to GPF
Scheme.

The issue whether the petitioner being the widow
of such a teacher is entitled to arrear pension of her
deceased husband and family pension upon refund of the
contribution of the Government in the Provident Fund
account of the concerned teacher with interest and
additional interest thereon, in view of the decisions of the
Hon'ble Division Bench of this Court passed 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 (S.E.), 24-Parganas (South), 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 & 3 shall complete their respective drills in this regard as expeditiously as possible.

WPA 2440 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.)