

19.02.2025
Item No.17,DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 3534 of 2025

Sikha Ghosh

-Vs-

The State of West Bengal & Ors.

Mr. Sudipta Maiti.

.....for the petitioner.

Mr. Sarvesh Chandra Shrivastava,

Mr. Tapan Kumar Jana.

.....for the State.

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

The husband of the petitioner was an
approved Assistant Teacher of a Primary School,
who died-in-harness on January 02, 2002, 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 (P.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 to communicate the calculation to the petitioner 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 3534 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.)