

18.03.2025
Item No.7, DL
Court No.19
SK

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

W.P.A. 5698 of 2025

Usha Rani Patra

-Vs-

The State of West Bengal & Ors.

Mr. Goutam Kumar Maity

.....for the Petitioner.

Ms. Mohuya Dutta Biswas

.....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, he died-in-harness on August 01, 1988 without exercising the option to switch over from CPF to GPF Scheme in terms of the Notification of the School Education Department, Law Branch, Government of West Bengal bearing Memo No. 749-SE(L)/SL/5S-56/13(Pt-V) dated June 13, 2014.

The petitioner being the widow of the said teacher is praying permission to refund the Government's share of contribution with interest and additional interest in the provident fund account of her said deceased husband to get the benefit of family pension.

The deceased Teacher had exercised option under ROPA 1990, as such, 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.*)**, 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 is no longer *res integra*.

The District Inspector of Schools (P.E.), Purba Medinipur, 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 preferably within a period of eight weeks from the date of refund of the money.

WPA 5698 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 of all requisite formalities.

(Biswajit Basu, J.)