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16.05.2025
Court No. **25**
D.Hira

WPA 7454 of 2025

Sabnam Karim
Vs.
State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sabita Khutiya Bhunya,
Ms. Shreyasree Choudhury.
... for the petitioner

Mr. Sabyasachi Mondal.
... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The husband of the petitioner was a primary school teacher who died in harness on September 4, 1997.
3. The State Government published the Government Order No.749-SE(L)/55-56/13 (Pt.V) on 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 District Inspector of Schools (P.E), Howrah, vide communicating Memo dated 25.04.2023 being No. 017/L/P/2024 has forwarded the instruction to the learned advocate representing the State respondents that there exists no provisions in the extent of Rules to allow interest of arrear pension/family pension. As per G.O. No. 749-SE(L)/SL-55-56 dated 13th June, 2014 there is no provision to the extent this benefit in favour of the petitioner.

6. The Court in similar circumstances permitted the widows of the deceased teacher to exercise option in terms of the aforesaid Government Order.
7. Reliance has been placed on the order dated 6th March, 2024 by a coordinate Bench in WPA 3480 of 2024 (Manjushri Mondal Versus The State of West Bengal & Ors.).
8. 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 No. CAN 1 of 2017 (Old No.CAN 7452 of 2017) (State of West Bengal Ors. Vs. Sefali Jana & Ors.).
9. In line with above decisions the instant writ petition is disposed of by directing the District Inspector of Schools (PE), Howrah to process the application filed by the petitioner as expeditiously as possible.
10. 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.
11. 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.
12. The arrear of 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.
13. The writ petition as above, is disposed of.
14. Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

15. Urgent certified copy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)