

M/L 2
10.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 13085 of 2022

Susanta Mitra

Vs.

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

Mrs. Arpita Saha

...for the Petitioner.

Mr. Avishek Prasad

...for the State.

Leave as prayed for is granted to the learned advocate for the petitioner to correct the description of the respondent no.4 in the cause title.

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

The wife of the petitioner was an approved Assistant Teacher of a Secondary School, who died-in-harness on October 30, 2012, 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 widower of such a teacher is entitled to arrear pension of his deceased wife 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.), Purba Bardhaman, 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 13085 of 2022 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.)