

13 18.08.2025
SM Court No.759

WPA 16046 of 2025

**Kiranmayee Sarkar
Vs
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra

... for the petitioner

Mr. Partha Sarathi Sen Sharma

... for the State

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

The husband of the petitioner was an Assistant
Teacher in a Primary School, on attaining the age of
superannuation he has retired from service on
30.09.2004 and died on 12.03.2017.

The petitioner is praying permission to refund the
Government's share of contribution in her husband's
provident fund account with interest and additional
interest to avail the benefit of pension.

Mrs. Sabita Khutia (Bhunya), learned advocate
for the petitioner submits that the husband of the
petitioner since has exercised option to come under
ROPA, 1990 in terms of the judgment dated July 26,
2023 passed by the Hon'ble Division Bench of this
Court in MAT 146 of 2019 (The State of West Bengal &

Ors. Vs. Muktimoyee Pal (Dey) & Ors.), need not exercise a fresh option, but to get the benefit of pension, is obliged to refund the Government's share of contribution in her husband's provident fund account.

The District Inspector of Schools (P.E.), South 24-Parganas, 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.

The pension shall be paid to the petitioner on and from the date of superannuation of the petitioner's husband.

WPA 16046 of 2025 is disposed of with the above terms without any order as to costs.

All 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.

(Rajarshi Bharadwaj, J.)