

WPA 16322 of 2025

**Sushila Gayen
Vs.
The State of West Bengal & Ors.**

Mrs. Sabita Khutia (Bhunya)

... .. for the petitioner

Mr. Amartya Pal

... .. for the State

Affidavit of service filed in Court today is 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 January 31, 2005 and died on July 27, 2016.

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 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 his provident fund account.

The District Inspector of Schools (P.E.), Purba 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 and the pension shall be paid to the petitioner on and from the date of superannuation of the petitioner's husband.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)