

04.11.2025
Sl. No.29
Ct. No.7
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/18049/2025
SWAPNA MUKHERJEE
VS
STATE OF WEST BENGAL AND ORS.

Ms. Sabita Khutia (Bhunya),
Ms. Arpita Saha

...for the Petitioner.

Mr. Swapan Kumar Pal
Mr. Sujit Chatterjee

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to allow the petitioner to deposit the employer's share of C.P.F. amount with interest and additional interest on behalf of her husband and to grant and disburse pension from the next date of retirement of the employee till the date of death of the employee and family pension along with arrears.
3. The petitioner contends that petitioner's husband joined the post of Assistant Teacher of Naskarpara Primary School, P.O. – Naskarpara, District - Howrah and he retired on superannuation from service on 30th September, 2001. The husband of the petitioner died on 4th April, 2015. The petitioner's husband exercised

- option under ROPA 1990 and the respondent No.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal issued Pension Payment Order vide Memo No.7554/P dated 28th October, 2003 without any pension or family pension.
4. In terms of the Judgement dated 26th July, 2023 passed by the Hon'ble Division Bench of this Court in ***The State of West Bengal versus Muktimoyee Pal (Dey) & Ors. (In Re: MAT 146 of 2019)*** as well as the subsequent decision of Hon'ble Division Bench in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)***, the petitioner 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 petitioner is willing to refund the amount to be calculated by the respondent No.8, District Inspector of Schools (Primary Education), Purba Medinipur.
5. In view of the above, the respondent No.4, District Inspector of Schools (Primary Education), Howrah is 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 sent the same to the respondent No.3, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal for further steps to be

taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

6. The respondent Nos.4 and 3 shall complete the respective exercise 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.
7. With the above direction, the writ petition being **WPA 18049 of 2025** stands disposed of.
8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)