

14.11.2025
Sl. No.2(DL)
Ct. No.7
srm

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

W.P.A. No. 18163 of 2025

Kana Rani Maiti

Versus

The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Ms. Haritri Roy,
Mr. Anumap Singha

...for the Petitioner.

Mr. Tapas Kumar Dey

...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 her to deposit the employer's share of contributory provident fund with interest and additional interest as per Government's scheme in order to avail the benefit of pension.
3. The petitioner contends that her husband late Shyamapada Maiti was an Assistant Teacher in Beluria 1 No. Primary School, Paschim Medinipur. Petitioner's husband retired on superannuation from service on 31st November, 2002 and died on 14th December, 2009. The petitioner's husband exercised option under ROPA 1990 and ROPA 1998. The petitioner intends to

refund/deposit the Government's share of contribution in her husband's contributory provident fund account with interest and additional interest to avail the benefit of family pension. Hence, this writ petition.

4. Mr. Subhrangsu Panda, learned Advocate for the petitioner relying on the decisions of Hon'ble Division Bench of this Court in ***District Inspector of Schools (SE), Kolkata versus Abhijit Baidya & Ors. (In Re: APO 94 of 2009)*** and in ***Pramila Behara versus the State of West Bengal (In Re: FMA 864 of 2022)*** and in ***State of West Bengal versus Sefali Jana & Ors. (In Re: FMA 620 of 2018)*** submits that the petitioner may be permitted to refund the Governments' share in the Contributory Provident Fund along with interest and additional interest as per the Government Scheme to avail the benefit of family pension.
5. Despite service, none appears on behalf of the State.
6. Mr. Tapas Kumar Dey, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Mr. Dey, learned Advocate be regularised by the concerned authority.
7. Let a copy of the writ petition along with its annexures be served upon Mr. Dey, learned Advocate for the State respondents.
8. Mr. Tapas Kumar Dey, learned Advocate for the State leaves the matter to the discretion of the court.

9. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014, the teachers were given the option to join the GPF scheme upon refund of the employer's share of provident fund.
10. In line with the above decisions, the respondent No.4, District Inspector of Schools (Primary Education), Paschim Medinipur 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.
11. 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 next date of superannuation of the petitioner's husband and its arrear thereto, if any, as well.
12. With the above direction, the writ petition being **WPA 18163 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.

16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

18. 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.)