

06.11.2025
Sl. No.15(DL)
Ct. No.7
srm

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

W.P.A. No. 19342 of 2025

Mahamaya Laha

Versus

The State of West Bengal & Ors.

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

...for the Petitioner.

Mr. Biswaroop Biswas,
Ms. Barnali Gupta

...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 and to grant and disburse arrear pension of her husband from the next date of retirement and family pension along with arrears.
3. The petitioner contends that her husband was appointed as Assistant Teacher of Mandaria Bhabanmayee Converted Junior Basic Primary School, Howrah and after rendering 33 years of service he retired on superannuation on 31st January, 2000 at the age of 60 years. The husband of the petitioner died on 12th September, 2007. The petitioner's husband

exercised option under ROPA 1990 and ROPA 1998. The petitioner seeks permission to 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 pension.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that in the light of the proposition laid down by the Hon'ble Division Bench of this Court 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)***, the petitioner may be permitted to deposit the employer's share of C.P.F. amount together with interest and additional interest to avail the benefit of family pension.
5. Report filed by the State is taken on record.
6. Mr. Biswaroop Biswas, learned Advocate for the State submits that only the employee can exercise option for reverting from C.P.F. to G.P.F. as per G.O. No.749-SE(L)/SL-5S-56 dated 13th June, 2014.
7. In view of the proposition laid down by the Hon'ble Division Bench as cited 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.

8. 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.
9. With the above direction, the writ petition being **WPA 19342 of 2025** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. 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.)