

17
12.03.2025
Court No.19
SK

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 21440 of 2024

Banalata Mal

Vs.

The State of West Bengal & Ors.

*Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra*

...for the Petitioner.

*Mr. Saikat Chatterjee,
Mr. Sandip Chattopadhyay*

...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 October 31, 1997 and died on October 23, 2014.

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.), Howrah, 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.

WPA 21440 of 2024 is disposed of with the above terms without any order as to costs.

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.

(Biswajit Basu, J.)