

10.11.2025
Sl. No.16
Ct. No.7
gd

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

WPA/21131/2025
AJIT KUMAR NAG
VS
THE STATE OF WEST BENGAL AND ORS.

Ms. Sabita Khutia (Bhunya)
Ms. Arpita Saha

...for the Petitioner.

Ms. Tuli Sinha

...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 permission to deposit the employer's share of Contributory Provident Fund amount with interest and additional interest on behalf of her husband in order to avail the benefit of family pension.
3. The petitioner contends that petitioner's wife joined as Assistant Teacher at Muktichak Bhajahari Primary School, P.O.- Jakpur, District-Paschim Medinipur and after rendering more than 33 years of service the petitioner's wife retired from service on 28th February, 2009. The petitioner's wife exercised option under ROPA 1990. The respondent no.3-the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal issued Pension Payment

Order without any pension or family pension. The wife of the petitioner expired on 25th February, 2017. The petitioner intends to refund the Government's share in the Contributor Provident Fund to avail the benefit of family pension.

4. Ms. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that the petitioner being the husband of the deceased employee in order to avail the benefit of the Government Order No.749-SE(L)/55-56/13(Pt.V) on 13th June, 2014 intends to refund/deposit the Government's share of the Provident Fund.
5. Opposing such prayer of the petitioner, learned advocate for the State submits that only an employee can exercise option for reverting from CPF to GPF as per Government Order dated 13th June, 2014.
6. In the decision passed in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** The Division Bench has allowed the husband to deposit the employer's share of Contributor Provident Fund with interest and additional interest. This court in similar circumstances has also permitted the widow of the deceased teacher to exercise the option in terms of the aforesaid Government Order. Reliance is placed on the decision of a Coordinate Bench passed in ***Pratima Kanrar (In Re: WPA 17849 of 2025)***.
7. In view of the above, the respondent No.4, District Inspector of Schools (Primary Education), Paschim

Medinipur is directed to calculate the employer's share of Contributory Provident Fund with interest and additional interest from the date of superannuation which the petitioner is required to refund for availing the benefit of pension and intimate the same to the petitioner with a period of eight weeks from date of communication of this order. The petitioner shall deposit the specified amount of the employer's share of Contributor Provident Fund with interest and additional interest to the Government Treasury through the concerned District Inspector of Schools. The concerned District Inspector of Schools shall send the pension papers of the petitioner to the Respondent No.3-the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal after verifying the same and shall issue pension payment order in favour of the petitioner as expeditiously as possible.

8. With the above direction, the writ petition being **WPA 21131 of 2025** stands disposed of.
9. The learned advocate for the State files report furnished by the respondent No.4, District Inspector of Schools (Primary Education), Howrah which is taken on record.
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.)