

10.11.2025
Sl. No.15
Ct. No.7
gd

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

WPA/21130/2025
MANOWARA BEGUM
VS
THE STATE OF WEST BENGAL ADN ORS.

Ms. Sabita Khutia (Bhunya)
Ms. Arpita Saha

...for the Petitioner.

Mr. Tapan Kumar Ray

...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 Contributor Provident Fund amount with interest and additional interest on behalf of her husband from the date of superannuation in order to avail the benefit of family pension.
3. The petitioner contends that her husband joined as Assistant Teacher at Banagram Primary School, District-Howrah on 22nd June, 1968 and after rendering service for more than 32 years he retired on superannuation on 28th February, 2002 at the age of 60 years. The husband of the petitioner exercised option under ROPA 1990 and ROPA 1998. 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 petitioner seeks to deposit the Government's share in the Contributory 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 widow 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, Mr. Tapan Kumar Ray, 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 widow to deposit the employer's share of Contributory 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 line with the above decision, the respondent No.4, District Inspector of Schools (Primary Education), Howrah 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 CPF 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 21130 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.)