

08.12.2025
Sl. No.7
Ct. No.14
ss

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

W.P.A. No. 21789 of 2025

**Gita Rani Bhattacharya
Versus
The State of West Bengal & Ors.**

Mr. Sourav Kumar Mitra
Ms. Pritikana Gantait

...for the Petitioner.

Sk. Musior Rahaman

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report filed by the State-respondent is also taken on record.
3. 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 in order to avail the benefit of pension.
4. The petitioner contends that she was appointed as Assistant Teacher of Narayanpur Primary School under Ghatal West Circle, District Paschim Medinipur. She retired on superannuation from service on 31st December, 2010. The petitioner opted for revised scale of pay under ROPA, 1990 and ROPA 1998. The petitioner seeks for necessary permission for depositing the aforesaid amount.
5. Mr. Sourav Kumar Mitra, learned Advocate appearing on behalf of the petitioner submits that the petitioner seeks

to deposit the employer's share of contributory provident fund in order to avail the benefit of pension. He also submits that in terms of the judgement dated 26th July, 2023 passed by the Hon'ble Division Bench of this Court in ***The State of West Bengal versus Muktimoyee Pal (Dey) & Ors. (In Re: MAT 146 of 2019)*** as well as the subsequent decision of Hon'ble Division Bench in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)***, the petitioner need not exercise a fresh option but to get the benefit of pension is obliged to refund the Government's share of contribution in the provident fund account. The petitioner is willing to refund the amount to be calculated by the respondent No.4, District Inspector of Schools (Primary Education), Paschim Medinipur.

6. Sk. Musior Rahaman learned Advocate for the State opposing such prayer for the petitioner submits that such prayer for switching over from contributory Provident Fund-cum-Gratuity to General Provident Fund scheme cannot be entertained as per notification no.749-SE(L) dated 13th June, 2014.
7. In view of the decisions as cited above, 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 together with interest and additional interest 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 date of superannuation of the petitioner.
9. With the above direction, the writ petition being **WPA 21789 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.)