

10.11.2025
Sl. No.29
Ct. No.7
ss

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

W.P.A. No. 21802 of 2025

Chhabi Rani Das

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
...for the Petitioner.

Mr. Haripada Maity
Ms. Srabani Biswas
...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report filed by the respondent no.4, the District Inspector of Schools (Primary Education), Howrah dated 12th September, 2025 is also taken on record. Copy served.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities to allow the petitioner to deposit the employer's share in the provident fund amount with interest and additional interest on behalf of her husband in order to avail the benefit of pension under the Government Scheme.
4. The petitioner contends that her husband was appointed as Assistant Teacher of Jugersha South Primary School, District Howrah and he retired on superannuation on 28th February, 1999. The husband

of the petitioner died on 2nd February, 2011. The petitioner's husband exercised option under ROPA 1990 and ROPA, 1998 and the respondent No.3, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal issued Pension Payment Order in favour of the husband of the petitioner without any pension or family pension. The petitioner being the widow seeks for 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.

5. Mrs. Sabita Khutia (Bhunya), learned Advocate representing the petitioner submits that the petitioner being the widow be permitted to deposit the Government's share of contribution in her husband's provident fund account with interest and additional interest so that she can avail the benefit of pension. To buttress her contention, she relies on the decision passed in ***Pramila Behara -versus- The State of West Bengal & ors. (FMA 864 of 2022)***.
6. Opposing such submission of the learned Advocate for the petitioner, Mr. Haripada Maity, learned Advocate for the State submits that such option for reverting from CPF to GPF can only be exercised by the employee concerned.
7. 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 her husband's 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), Howrah.

8. In view of the 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.
9. 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's husband.
10. With the above direction, the writ petition being **WPA 21802 of 2025** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)