

10.11.2025
Item No. 23
Ct. No. 07
AN

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

**WPA 21780 of 2025
Safera Khatun
vs.
State of West Bengal & ors.**

Ms. Sabita Khutia Bhunya
Ms. Arpita Saha

... for the petitioner

Mr. Sutanu Chakraborti

... 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 Government's share of Provident Fund with interest and additional interest in order to avail the benefit of pension.
3. The petitioner contends that her husband joined in the post of Assistant Teacher in Moricha F.P. School, P.O. Chakbarali, District South 24 Parganas. After rendering service for more than 39 years, the husband of the petitioner retired from service on 31st January, 2000 and died on 24th August, 2018. The husband of the petitioner exercised option under ROPA, 1990. The petitioner being the widow of the deceased employee seeks permission to refund the

Government's share of provident fund to avail the benefit of the pension.

4. Ms. Sabita Khutia Bhunya, learned advocate appearing for the petitioner submits that the petitioner is willing to deposit the employer's share of contributory provident fund with interest and additional interest in order to avail the benefit of pension and she seeks for appropriate directions.
5. On the contrary, Mr. Sutanu Chakrabarti, learned advocate representing the State submits that the husband of the petitioner did not exercise his option in terms of G.O. NO. 749-SE(L)/55-56-13 (Part V) dated 13th June, 2014 to come under the G.P.F. Scheme. Hence, the petitioner being the widow cannot exercise such option.
6. At this stage, learned advocate appearing for the petitioner indicates that as per Annexure P-4 to the writ petition, the husband of the petitioner exercised such option on 20th July, 2014.
7. In the decision passed in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** the Hon'ble 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 versus State of West Bengal (In Re: WPA 17849 of 2025)***.

8. in view of the above, respondent no. 4, the District Inspector of Schools (P.E.), South 24 Parganas is directed to calculate the amount together with interest and additional interest to be refunded by the petitioner to avail the benefit of family pension and upon deposit of the said amount, respondent no. 4, the District Inspector of Schools (P.E.), South 24 Parganas being the Pension Sanction 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, respondent no. 3 herein for further steps to be taken in accordance with law for issuance of pension payment order in favour of the petitioner's husband.
9. Both respondent nos. 3 and 4 shall comply with the respective directions in this regard as expeditiously as possible. The pension shall be paid to the petitioner on and from the date of superannuation of the petitioner's husband.
10. With the above observations, ***WPA 21780 of 2025*** stands disposed of.
11. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.

12. Consequently, connected applications, if any, also stand disposed of.
13. Interim orders, if any, stand vacated.
14. There will be no order as to costs.
15. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)