

16.12.2025
Sl. No.12(DL)
Ct. No.14
srm

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

W.P.A. No. 22632 of 2024

Manju Das

Versus

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Mr. Goutam Kumar Maity,
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Srinath Singha Roy

...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 direction upon the respondent authorities to allow the petitioner 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 her husband, late Sudhanya Kumar Das was appointed as an Assistant Teacher in Makhalpara Balaram Free Primary School under Basanti Circle, South 24-Parganas on 1st January, 1973. The petitioner's husband died-in-harness on 9th June, 1986. The petitioner being the widow of the deceased employee approached the authority concerned for disbursement of death benefits

and family pension in her favour. However, the same was not released. Accordingly, the petitioner filed a writ petition being WP No.1825 (W) of 2016. The aforesaid writ petition was disposed of on 1st March, 2016 with the following direction:

“.....to direct the concerned D.I. of Schools (P.E) to consider the representation of the petitioner dated 4th November, 2015 in accordance with law and to take a decision and communicate the same to the petitioner within a period of eight weeks from the date of communication of this order.”

4. In compliance of the aforesaid order, the District Inspector of Schols (P.E.), South 24-Parganas rejected the prayer of the petitioner for grant of family pension on 16th August, 2016 with the following observation:

“It appears from the record of District Primary School Council, South 24-Parganas that an amount of Rs. 4,321/- (Rupees Four Thousand Three Hundred Twenty One only) was sanctioned as final payment of Contributory Provident Fund in favour of Smt. Manju Das wife of Late Sudhanya Kumar Das, Ex-Teacher of Sajinatala F.P. School in the year 1988. So, it is crystal clear that Sudhanya Kumar Das, Ex-Teacher of Sajinatala F.P. School was under the scheme Contributory Provident Fund cum Gratuity. Hence, sanction of family pension in favour of Smt. Manju Das, petitioner in the instant writ petition may not be accorded.”

5. Challenging the action of the State-respondents, the petitioner has preferred the present writ petition.
6. Mr. Sourav Mitra, learned Advocate appearing for the petitioner submits that the husband of the petitioner though expired on 9th June, 1986, but his pay was re-fixed as per ROPA, 1990, which has been given effect from 1st January, 1986. He also indicates that after the decision of the 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, she 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), South 24-Parganas.

7. Mr. Srinath Singha Roy, learned Advocate for the State submits that the option for switching from CPF to GPF has not been exercised by the deceased-employee during his lifetime and as such the widow cannot exercise such option.
8. In view of the decision of the Hon'ble Division Bench in *Pramila Behara (supra)*, the respondent No.4, District Inspector of Schools (Primary Education), North 24-Parganas is directed to calculate the Government's share of provident fund amount with interest and additional interest which is required to be refunded by the petitioner for availing 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 following the date of death of the petitioner's husband.

10. With the above direction, the writ petition being **WPA 22632 of 2024** 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.)