

16.12.2025
Sl. No.13(DL)
Ct. No.14
srm

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

W.P.A. No. 22834 of 2024

Sandhya Ghorui

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Supriyo Chattopadhyay, AGP
Mr. Manoj Kumar Mondal

...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 Contributory Provident Fund amount with interest and additional interest to avail the benefit of family pension and to disburse arrear pension of her husband from 1st August, 2005 till 17th May, 2020 along with interest.
3. The petitioner contends that her husband, late Lalit Gunadhar Ghorui was an Assistant Teacher of Lalit Mohan Primary School, Howrah. The petitioner's husband retired from service on superannuation on 31st July, 2005 and died on 17th May, 2020. The petitioner's husband exercised option under ROPA 1990 and ROPA 1998. The Pension Payment Order was issued on 12th July, 2005 without any pension or

family pension. The petitioner seeks direction for depositing the employer's share of Contributory Provident Fund with interest and additional interest to avail the benefit of pension.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that in the light of the proposition laid down by the Hon'ble Division Bench of this Court in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** and in ***State of West Bengal versus Sefali Jana & Ors. (In Re: FMA 620 of 2018)***, the petitioner may be permitted to deposit the employer's share of Contributory Provident Fund amount together with interest and additional interest to avail the benefit of family pension.
5. Mr. Manoj Kumar Mondal, learned Advocate for the State leaves the matter to the discretion of the Court.
6. In view of the proposition laid down by the Hon'ble Division Bench as cited 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.

7. 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 next date of superannuation of the petitioner's husband.
8. With the above direction, the writ petition being **WPA 22834 of 2024** stands disposed of.
9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. 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.)