

12.11.2025
Sl. No.31(DL)
Ct. No.14
srm

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

W.P.A. No. 22675 of 2025

Nasima Khatun

Versus

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya),
Ms. Arpita Saha

...for the Petitioner.

Mr. Somrat Paul

...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 pension.
3. The petitioner contends that her husband was an Assistant Teacher of Osmania High Madrasah (H.S.), District-Malda and after rendering service for more than 33 years, the petitioner's husband retired on superannuation on 30th September, 2009. The husband of the petitioner died on 1st December, 2012. The petitioner's husband exercised option under ROPA 1990 and ROPA 1998. The Pension Payment Order has been issued without any pension or family pension.

The petitioner intends to deposit the employer's share of contribution in her husband's provident fund account with interest and additional interest in order to avail the benefit of pension.

4. Ms. Aprita Saha, learned Advocate for the petitioner seeks permission for depositing the employer's share of Contributory Provident Fund for availing the benefit of pension. In support of her contention she relies on a decision of a Coordinate Bench of this Court passed in *Nripendra Nath Das versus The State of West Bengal & Ors. (In Re: WPA 3706 of 2025)*.
5. Mr. Somrat Paul, learned Advocate for the State leaves the matter to the discretion of the Court.
6. In view of the above, the respondent No.4, District Inspector of Schools (Secondary Education), Malda is directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension. 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 date of superannuation of the petitioner's husband.

8. With the above direction, the writ petition being **WPA 22675 of 2025** 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.)