

**1507
2025**

TUESDAY

Court : CB-07
Item : DL-05
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

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

WPA 24670 OF 2015

**RANI MAJHI
VS.**

THE STATE OF WEST BENGAL & ORS.

**MR. SUBHRANGSU PANDA, ADVOCATE
MS. HARITRI ROY, ADVOCATE
MR. RATUL GHOSAL, ADVOCATE
MR. ROHIT ADHIKARY, ADVOCATE**

.....for the Petitioner

1. Affidavit of Service filed on behalf of the petitioner is taken on record.
2. Despite service the State is unrepresented.
3. The present writ petition has been filed seeking a direction upon the concerned respondent to extend the benefit of family pension to the petitioner, upon acceptance of the employer's share of the provident fund along with interest and additional interest.
4. The brief facts relevant for the effective adjudication of the writ petition are that the petitioner's husband was employed as a Group-D staff at Khatundi High School, Burdwan (hereinafter referred to as "the said School"). During the course of his service, he opted to be governed by the provisions of the Revision of Pay and Allowances (ROPA) Rules, 1990. He rendered continuous and unblemished service until his untimely demise while in service on 20.06.1994.
5. However, no family pension has been granted to the petitioner on the ground that her husband had opted to be governed by the Contributory Provident Fund Scheme (hereinafter referred to as the CPF Scheme) during his service. The

petitioner, thereafter, submitted a representation expressing her willingness to deposit the employer's contribution to the Provident Fund along with interest and additional interest in order to avail the benefit of family pension. However, despite receipt of such representation from the petitioner, no effective steps have been taken by the authorities.

6. Mr. Panda, learned Advocate representing the petitioner, submits that the issue raised in the present writ petition is no longer *res integra*. He submits that the issue whether a teacher or non-teaching staff member who opted to avail the benefit of ROPA, 1990, was required to exercise a fresh option for availing the benefit of the Pension-cum-Gratuity Scheme has been settled by a Hon'ble Special Bench of this Court in the case of *District Inspector of Schools (SE), Kolkata vs. Abhijit Baidya*, reported in (2013) 3 CHN 711, wherein it was held that teachers or non-teaching staff who opted for the benefits under ROPA, 1990, are not required to exercise a fresh option for receiving benefits under the Pension-cum-Gratuity Scheme. They are entitled to receive pension and other related privileges upon deposition of the employer's contribution to the Provident Fund along with interest and additional interest, in terms of notification vide. G.O. No. 749-SE(L) dated 13.06.2014.
7. He further submits that this position has subsequently been affirmed by this Court in a catena of judgments, holding that the widow of an employee who died in harness without having the opportunity to avail the benefit of pension is also

- entitled to receive family pension upon depositing the employer's share of the Provident Fund along with interest and additional interest.
8. In support of his contention, he relies on certain unreported decisions by three different Coordinate Benches of this Court in FMA 620 of 2018 (*State of West Bengal & Ors. vs. Sefali Jana & Ors.*), WPA 14939 of 2024 (*Jyoti Prasad Malti vs. The State of West Bengal & Ors.*), and WPA 3693 of 2025 (*Gurupada Pramanik vs. The State of West Bengal & Ors.*). He prays for a similar direction as was passed in those writ petitions.
 9. Having heard the submissions advanced by Mr. Panda, and upon perusal of the materials on record as well as applying the proposition laid down in the judgments referred to in the preceding paragraphs, I direct the concerned District Inspector of Schools to calculate the amount to be deposited by the petitioner towards the employer's contribution to the Provident Fund, along with interest and additional interest in terms of G.O. No. 749-SE(L) dated 13.06.2014.
 10. As and when the computation of the amount is completed, the District Inspector of Schools shall inform the petitioner of the same. Upon deposit of that amount, the District Inspector of Schools, being the Pension sanctioning authority, shall forward all requisite documents to the Director of Pension and Provident Fund, who will, in turn, issue a Family Pension Payment Order in favour of the petitioner.
 11. The entire exercise shall be completed within 12 weeks from date.
 12. It is expected that the petitioner shall deposit the

amount within one week from the date of receipt of information from the District Inspector of Schools.

13. Needless to emphasize that upon completion of all formalities, the family pension and arrears of family pension shall be disbursed in favour of the petitioner from the date of death of the concerned teacher.

14. With these observations and order, **WPA 24670 of 2015 is disposed of.**

(PARTHA SARATHI CHATTERJEE, J.)