

14.11.2025
Sl. No.4
Ct. No.14
gd

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

WPA/25394/2025
SABITA GHOSH
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Tapas Kumar Dey

...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/refund the Government's share in Contributory Provident Fund amount with interest and additional interest from the date of superannuation in order to avail the benefit of pension.
3. The petitioner contends that she was an Assistant Teacher in Paschim Para Primary School, P.O.-Bagnan, District-Howrah. She retired from service on 31st January, 2008. The petitioner exercised option under DCRB Scheme and also opted revised scale of pay in terms of ROPA 1990 and ROPA 1998. The petitioner intends to refund the Government's share in the Contributory Provident Fund to avail the benefit of pension. Hence this writ petition.

4. Mr. Sourav Mitra, learned Advocate for the petitioner relying on the decision of Hon'ble Division Bench in ***The State of West Bengal & Others v. Muktimoyee Pal (Dey) & Others (In Re: MAT 146 of 2019)*** and decision of Coordinate Bench passed in ***Bhabani Kumar Paul v. State of West Bengal & Others (In Re: WPA 20365 of 2024)*** submits that the petitioner be permitted to refund the Government's share in Contributory Provident Fund amount with interest and additional interest from the date of superannuation in order to avail the benefit of pension as per the Government Order No.749-SE(L)/55-56/13(Pt.V) dated 13th June, 2014.
5. Mr. Tapas Kumar Dey, learned advocate for the State leaves the matter to the discretion of the court.
6. In line with the above decision, the respondent No.4, the District Inspector of Schools (Primary Education), Howrah is directed to calculate the employer's share of Contributory Provident Fund with interest and additional interest from the date of superannuation which the petitioner is required to refund for availing the benefit of pension and intimate the same to the petitioner with a period of eight weeks from date of communication of this order. The petitioner shall deposit the specified amount of the employer's share of CPF with interest and additional interest to the Government Treasury through the concerned District Inspector of Schools. The concerned District Inspector

of Schools shall send the pension papers of the petitioner to the Respondent No.3-the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal after verifying the same and shall issue pension payment order in favour of the petitioner as expeditiously as possible. The pension shall be granted from the date following the date of retirement of the petitioner.

7. With the above direction, the writ petition being **WPA 25394 of 2025** stands disposed of.
8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. 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.)