

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

24 16.12.2025
Sc Ct. no.14

WPA 25791 OF 2025

Siratani Chowdhury

Vs.

The State of West Bengal & Ors.

Mr. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra.

.... For the Petitioner

Ms. Mohuya Dutta Biswas

.... For the Respondents
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 on behalf of her husband in order to avail the benefit of family pension and disburse arrears, if any.
3. The petitioner contends that her husband joined in the post of Assistant Teacher of Mahabatpur Primary School, Malda on 30th April, 1982 and died-in-harness on 8th November, 1989. The petitioner's husband rendered service for seven years. The petitioner's husband is covered under ROPA 1990. The scale of the petitioner's husband was revised and the same was approved by the concerned District Inspector of Schools under ROPA

1990. The petitioner seeks to refund the employer's share of Contributory Provident Fund to avail the benefit of Pension. Hence, this writ petition.

4. Ms. Sabita Khutia (Bhunya), learned Advocate appearing for the petitioner submits that as per the settled proposition of law fresh option is not necessary and the petitioner be permitted to deposit the employer's share of Contributory Provident Fund amount with interest and additional interest to avail the benefit of pension. The petitioner is entitled to family pension since the deceased employee completed more than one year of service.

5. Ms. Mohuya Dutta Biswas, learned Advocate for the State-respondents leaves the matter to the discretion of the Court.

6. In view of the above, the respondent No.4, District Inspector of Schools (Primary Education), Malda 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.

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 following the date of death of the petitioner's husband.

8. Learned Advocate for the petitioner is directed to communicate this order to respondent No.4, District Inspector of Schools (Primary Education), Malda and respondent No.3, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, for necessary compliance.

9. With the above direction, the writ petition being **WPA 25791 of 2025** stands disposed of.

10. Since no affidavit has been called for, the allegation made in the writ petition is deemed to be not admitted.

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.

(Bivas Pattanayak, J.)