

21-11-2025
Item No.56
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.26337 of 2025

Nilima Modak

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra

Ms. Arpita Saha

...for the petitioner

Mr. Md. Mansoor Alam

Mr. Sanjay Mukherjee

...for the State

1. Affidavit of service filed in court be taken on record.
2. The husband of the petitioner was a teacher in a secondary school who retired on August 31, 2003 and expired on October 6, 2013.
3. The State Government published the Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June 2014 pursuant to which the teachers had the option to join GPF scheme upon refund of the employer's share of provident fund.
4. As the husband of the petitioner expired prior to the publication of the said State Government Order, accordingly, he could not avail the said benefit. The petitioner, being the widow, intends to avail the benefit of the aforesaid Government Order.
5. The court in similar circumstances permitted the widows of the deceased teachers to exercise option in terms of the said Government Order.
6. Reliance has been placed on the order dated 6th March 2024 by a coordinate Bench in WPA

No.3480 of 2024 (Manjushri Mondal -vs- The State of West Bengal & Ors.).

7. Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August 2023 in FMA NO.620 of 2018 with IA No. CAN 1 of 2017 (old CAN 7452 of 2017) (State of West Bengal & Ors. -vs- Sefali Jana & Ors.).
8. In line with above decisions the instant writ petition stand disposed of by directing the District Inspector of Schools (SE), Hooghly to process the application filed by the petitioner as expeditiously as possible.
9. The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.
10. Upon the petitioner complying with all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, fresh Pension Payment Order shall be issued in her favour within a month thereafter.
11. The arrear of pension and family pension from the date of retirement of the deceased employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.
12. The writ petition stands disposed of.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

