

08.12.2025
Sl. No.25
Ct. No.14
gd

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

WPA/26642/2025
KABITA GUPTA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Arun Khutia

...for the Petitioner.

Mr. Somraj Dhar

...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 the employer's share in Contributory Provident Fund with interest and additional interest in terms of government scheme in order to avail the benefit of family pension.
3. The petitioner contends that her husband, late Dilip Kumar Gupta @ Dilip Gupta was appointed as Assistant Teacher of Mutra Free Primary School under Satgachia Circle and subsequently he joined as Assistant Teacher in Hairagram Imp. Primary School under Satgachia West Circle, District-Purba Bardhaman. The petitioner's husband died-in-harness on 26th March, 1990. The husband of the petitioner since was in service on 1st January, 1986, as such he became entitled to the benefit of ROPA 1990. The

petitioner being the widow of the deceased employee intends to deposit the Government's share of contributory provident fund in order to avail the benefit of family pension.

4. Mr. Arun Khutia, learned Advocate appearing for the petitioner submits that since the husband of the petitioner was entitled to the benefits under ROPA 1990 a fresh option would not be required. However, the grant of family pension will be subject to refund of the Government's share of Contributory Provident Fund together with interest and additional interest. To buttress his contention, he relies on a decision of the Hon'ble Division Bench of this Court passed in ***State of West Bengal versus Sefali Jana (In Re: FMA 620 of 2022)*** as well as a Coordinate Bench of this Court in ***Santilata Mahato versus The State of West Bengal & Ors. (In Re: WPA 16272 of 2025)***.
5. Mr. Somraj Dhar, learned Advocate appearing for the State submits that the representation of the petitioner (Annexure P-4) be relegated to the concerned authority.
6. In line with of the decisions rendered by the Hon'ble Division Bench as well as Coordinate Bench of this Court, the respondent No.3, District Inspector of Schools (Primary Education), Purba Bardhaman 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's husband and sent the same to the respondent No.2, 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.3 and 2 shall complete the respective exercise as expeditiously as possible and the pension shall be paid to the petitioner on and from the next date of death of the petitioner's husband.
8. With the above direction, the writ petition being **WPA 26642 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.)