

08.12.2025
Sl. No.13(DL)
Ct. No.14
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 27245 of 2025

Bulurani Dutta

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Subhendu Bandopadhyay
Ms. Debangana Dey Nayak

...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 of Contributory Provident Fund amount with interest and additional interest and for grant and disburse of arrear pension of her husband from the next date of retirement and family pension along with arrears.
3. The petitioner contends that her husband was an Assistant Teacher of Barkona Primary School, Dist. Bankura and after rendering more than 33 years of service the husband of the petitioner retired from service on superannuation on 31st January, 2011. The husband of the petitioner died on 6th August, 2014. The petitioner's husband exercised option under ROPA 1990. The petitioner intends to deposit the

Government's share in the Contributory Provident Fund with interest and additional interest to avail the benefit of family pension.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that in the light of the proposition laid down by the Hon'ble Division Bench of this Court in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** and in ***State of West Bengal versus Sefali Jana & Ors. (In Re: FMA 620 of 2018)***, the petitioner may be permitted to deposit the employer's share of Contributory Provident Fund amount together with interest and additional interest to avail the benefit of family pension.
5. Mr. Subhendu Bandopadhyay, learned Advocate for the State submits that the issue has been decided by the Larger Bench and the petitioner's representation may be relegated to the authority for due consideration.
6. In view of the proposition laid down by the Hon'ble Division Bench as cited above, the respondent No.4, District Inspector of Schools (Primary Education), Bankura is directed to calculate the amount required to be refunded by the petitioner to get 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 send 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. 3 and 4 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 superannuation of the petitioner's husband.
8. With the above direction, the writ petition being **WPA 27245 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.)