

08.12.2025
Sl. No.19
Ct. No.14
gd

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

WPA/27616/2025

LAKSHI RANI RAY @ LAKSHMI RANI RAY
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Sunil Gupta

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report filed by the State is taken on record.
3. By the present writ petition, the petitioner seeks permission to refund the government'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.
4. The petitioner contends that her husband, namely, late Santimoy Ray was an Head Teacher of Chunpara Primary School, Lalgah, District-Paschim Medinipur. The petitioner's husband died-in-harness on 11th August, 1988. Pension Payment Order was issued in the name of the petitioner being the widow of the deceased employee without grant of family pension covered under ROPA 1990. The petitioner's husband exercised option under ROPA 1990. The petitioner

being the widow of the deceased employee intends to refund the Government's share of contributory provident fund with interest and additional interest in order to avail the benefit of family pension.

5. Mr. Sourav Mitra, learned Advocate for the petitioner submits that the petitioner intends to deposit the Government's share of provident fund together with interest and additional interest. In support of his contention, he relies on the decision of a Co-ordinate Bench in *Santilata Mahato versus State of West Bengal & Ors. (WPA 16272 of 2025)*.
6. Mr. Sunil Gupta, learned advocate appearing for the State submits that the petitioner is not entitled for the benefit under pension-cum-gratuity scheme since the deceased employee did not opt for the said scheme till his death.
7. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014, the teachers were given option to join GPF Scheme upon refund of employee's share of provident fund. A Co-ordinate Bench in *Rijia Khatun versus State of West Bengal & Ors. (WPA No. 18087 of 2025)* has granted permission to the party to refund the employee's share in provident fund upon considering the decision of the Hon'ble Division Bench in *State of West Bengal & Ors. versus Sefali Jana & Ors. in FMA 620 of 2018*.
8. In view of the submissions advanced on behalf of the respective parties and in line with the decision of

Hon'ble Division Bench in *Sefali Jana (supra)*, respondent no.4, the District Inspector of Schools (PE), Jhargram, 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 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.

9. The respondent Nos.4 and 3 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.
10. With the above direction, the writ petition being **WPA 27616 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. 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.)