

30.01.2025
Item No.28, DL
Court No.19
AJ.

**IN THE HIGH COURT AT CLACUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 29885 of 2024

Bharati Nandi

-Vs-

The State of West Bengal & Ors.

Mr. Saurav Mitra,
Mr. D.N. Mukherjee,
Ms. Sreyasree Choudhury,
Mr. Pradip Kumar Ghosh.
.....for the Petitioner.

Mr. Sougata Mitra,
Mr. Somenath Ghosh.
....for the State.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The husband of the petitioner was an
approved Assistant Teacher of a Secondary
School, who died-in-harness on September 23,
2000 i.e. prior to the Notification dated June 13,
2014 came into effect as such, could not
exercise the option to switch over from CPF to
GPF Scheme.

The issue whether the petitioner being the
widow of such a teacher is entitled to arrear
pension of her deceased husband and family
pension upon refund of the contribution of the
Government in the Provident Fund account of the
concerned teacher with interest and additional
interest thereon, in view of the decisions of the
Hon'ble Division Bench of this Court passed in
FMA 864 of 2022 (Pramila Behara vs. The

State of West Bengal & Ors.) and in **FMA 620 of 2018 (*State of West Bengal & Ors. vs. Sefali Jana & Ors.*)**, is no longer *res integra*.

The District Inspector of Schools (S.E.), Hooghly, the respondent no. 4 herein is therefore 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 shall send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein for further steps to be taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

The respondent nos. 4 & 3 shall complete their respective drills in this regard as expeditiously as possible.

WPA 29885 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)