

Item No. 12
Monthly List February 2025
10.02.2025
Court No.19
SK

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 30131 of 2024

Gayetri Bhattachariya

Vs.

The State of West Bengal & Ors.

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

...for the Petitioner.

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

Mrs. Khutia (Bhunya), learned advocate for the
petitioner files the notice dated January 30, 2025 whereby
the learned advocates for the State, namely, Mr. Prasanta
Kr. Giri and Md. Wauraz Rahabez were intimated about
the pendency regarding mentioning of the matter before
this Court, let it be kept with the record.

None appears on behalf of the State in spite of
such notice.

The husband of the petitioner was an approved
Clerk of a Secondary School, who retired on September
30, 1998 and died on September 09, 2003, 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.), Howrah, 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 30131 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 with all requisite formalities.

(Biswajit Basu, J.)