

28.04.2026
Sl. No. 178
Ct. No. 14
AN

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

WPA/851/2026
SHITALA SINHA
VS
THE STATE OF WEST BENGAL AND ORS.

Mrs. Sabita Khutia (Bhunya)

...for the Petitioner

Mr. Tapas Kr. Roy

...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 direction upon the respondent authorities to permit the petitioner to deposit the employers' share of Contributory Provident Fund with interest and additional interest in order to avail the benefit of family pension.
3. The petitioner contends that her husband was an Assistant Teacher of Nalbari Primary School, Village Nalbari, Post Office Sonapur, Police Station Chopra, District Uttar Dinajpur who joined the said school on 1st April, 1964 and retired from service on superannuation on 31st January, 2004. The petitioner's husband exercised option under ROPA 1990. However, the pension payment order was issued without any pension or family pension. The petitioner intends to deposit employers' share in

Contributory Provident Fund in order to avail the benefit of family pension. Hence this writ petition.

4. Mrs. Sabita Khutia (Bhunya), learned advocate appearing for the petitioner submits that since the husband of the petitioner exercised option under ROPA 1990, further option for availing pension is not required in view of the decision of the Larger Bench in *District Inspector of Schools vs. Abhijit Baidya* reported in 2013 (3) CHN (Cal) 711. Further, reliance is also placed on the decision in *Pramila Behera vs. The State of West Bengal & ors.* [FMA 864 of 2022] and *State of West Bengal & ors. vs. Mukti Moyee Pal (Dey) & ors.* [MAT 146 of 2019].
5. Mr. Tapas Kr. Roy, learned advocate representing the State concedes to such submission.
6. In line with of the decisions rendered by the Hon'ble Larger Bench as well Division Bench of this Court, the respondent No.4, District Inspector of Schools (P.E), South 24-Parganas 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.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.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 retirement of the petitioner's husband.
8. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 4, the District Inspector of Schools (P.E.), Uttar Dinajpur and respondent no. 3, the Director of Pension, Group Provident Fund and Insurance, Government of West Bengal for necessary compliance.
9. With the aforesaid directions, the writ petition being **WPA 851 of 2026** is disposed of.
10. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
11. Consequently, connected applications, if any, stand disposed of.
12. Interim orders, if any, stand vacated.
13. There shall be no order as to costs.
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.)