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NANDY

(CPF-GPF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/1449/2026

SHILA KUMAR

VS.

THE STATE OF WEST BENGAL ORS.

Mr. Sourav Mitra, Advocate
Ms. Sreyasree Choudhury, Advocate
Mr. Banshi Badan Maity, Advocate

.....for the Petitioner

Mr. Debnarayan Patra, Advocate
Mr. Aritra Ghosh, Advocate

.....for the State

1. Affidavit-of-service filed in Court today, is taken on record.
2. The husband of the petitioner was a teacher in a secondary school who retired from service on 30.09.1999 and expired on 23.09.2013.
3. The State Government published the Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June 2014 pursuant to which the teachers had the option to join GPF scheme upon refund of the employer's share of provident fund.
4. As the husband of the petitioner expired prior to the publication of the said State Government Order, he could not avail the said benefit. The petitioner, being the widow, intends to avail the benefit of the aforesaid Government Order.
5. The Court in similar circumstances permitted the widows of the deceased teachers to exercise option in terms of the said Government Order.
6. Reliance has been placed on the order dated 06.03.2024 passed by a Coordinate Bench in WPA/3480/2024 (*Manjushri Mondal Vs. The State of West Bengal & Ors.*).
7. Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24.08.2023 in FMA/620/2018 (*State of West Bengal & Ors. Vs. Sefali Jana & Ors.*).
8. In line with above decisions, I direct the concerned

District Inspector of Schools (SE), to process the application filed by the petitioner as expeditiously as possible.

9. The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.
10. Upon the petitioner complying with all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, fresh Pension Payment Order shall be issued in her favour within a month thereafter.
11. The arrear of pension and family pension from the date of retirement of the deceased employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.
12. With the afore-stated directions, the writ petition is **disposed of**. No order as to costs.
13. Urgent Photostat Certified Copy of this order, if applied for, be made available to the petitioner upon compliance with requisite formalities.

(Reetobroto Kumar Mitra, J.)