

28.04.2026
Sl. No.237
Ct. No.14
gd

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

WPA/2629/2026
KANAI LAHIRI
VS
STATE OF WEST BENGAL AND ORS.

Mr. Banshi Badan Maity

...for the Petitioner.

Ms. Kumkum Das

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Instruction filed by the State respondents furnished by District Inspector of Schools (P.E), South 24-Parganas dated 12th February, 2026 is taken on record.
3. By the present writ petition, the petitioner seeks permission to deposit the employer's share in Contributory Provident Fund with interest and additional interest in order to avail the benefit of family pension.
4. The petitioner contends that his wife, namely, Amita Lahiri was an Assistant Teacher of Rajpur Vidyanidhi F.P. School, P.O.-Rajpur, District-South 24-Parganas. The petitioner's wife retired from service on superannuation on 30th June, 2006 and expired on 15th August, 2013. The petitioner's wife exercised option under ROPA 1990 for revised scale of pay. The

petitioner is the husband of the deceased employee. In order to avail the benefit of pension the petitioner intends to deposit the Government's share in Contributory Provident Fund. Hence, this writ petition.

5. Mr. Banshi Badan Maity, learned Advocate appearing for the petitioner submits that since the husband of the petitioner exercised option under ROPA 1990 a fresh option would not be required. However, the grant of family pension will be subject to refund of the Government's share of Contributory Provident Fund together with interest and additional interest. To buttress his contention, he relies on a decision of the Hon'ble Division Bench of this Court passed in ***State of West Bengal versus Sefali Jana (In Re: FMA 620 of 2018)*** as well as a Coordinate Bench of this Court in ***Santilata Mahato versus The State of West Bengal & Ors. (In Re: WPA 16272 of 2025)***.
6. Ms. Kumkum Das, learned advocate for the State submits that the petitioner being a family member of the deceased employee cannot exercise option in terms of Memo No.749-SE (L)/SL/5S-56/13(Pt-V) dated 13th June, 2014. Therefore, the prayer made by the petitioner is misconceived and the writ petition is liable to be dismissed.
7. Indisputably, the petitioner's wife exercised option under ROPA 1990 for revised scale of pay. It is no more *res integra* that once an option under ROPA 1990 for revised scale of pay is exercised, fresh option for

pension is not required and the employee concerned is automatically entitled to pension. As such, the argument advanced by the learned advocate for the State does not stand in the eye of law.

8. In line with of the decisions rendered by the Hon'ble Division Bench as well Coordinate 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 wife 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 retirement of the petitioner's wife.
10. With the above direction, the writ petition being **WPA 2629 of 2026** 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.)