

05.05.2026  
Sl. No.13  
Ct. No.14  
gd

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

WPA/2645/2026  
ISHRAT ARA KHANAM  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra  
Mr. Sidipta Maiti  
Mr. Banshi Badan Maity

...for the Petitioner.

Sk. Abu Jafor

...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 permission to deposit the employer's share in Contributory Provident Fund with interest and additional interest in order to avail the benefit of pension.
3. The petitioner contends that her husband, namely, Md. Rahmatullah was an Assistant Teacher of Beniapukur Primary School under Kolkata IX Circle, District-Kolkata. The petitioner's husband retired from service on superannuation on 30<sup>th</sup> September, 2016 and expired on 5<sup>th</sup> March, 2025. The petitioner's husband exercised option under ROPA 1990 for revised scale of pay. The petitioner is the widow 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.

4. Mr. Sourav Mitra, 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 2022)*** 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)***.
5. Sk. Abu Jafor, learned advocate for the State leaves the matter to the discretion of the Court.
6. 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), Kolkata 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. With the above direction, the writ petition being **WPA 2645 of 2026** stands disposed of.
9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
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.)**