

23.02.2026
Sl. No.4
Ct. No.14
gd

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

WPA/11583/2025
PARTHA SARATHI BOSE
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra
Mr. Kamal Mishra
Mr. Pratap Sanpui

...for the Petitioner.

Ms. Kakali Samajpati
Ms. Kakali Naskar

...for the State.

1. Report filed by the State furnished by District Inspector of Schools (P.E.) North 24-Parganas is taken on record.
2. By the present writ petition the petitioner seeks permission to deposit the Government's share in Contributory Provident Fund with interest and additional interest in terms of Government scheme in order to avail the benefit of pension.
3. The petitioner contends that his wife, namely, Dipti Bose was an Assistant Teacher of Dishbandhu Vidyapith, Post Office-Sodepur, District- North 24-Parganas. The wife of the petitioner retired from service on superannuation on 31st March, 2002 and expired on 20th October, 2022. The petitioner's wife exercised option under ROPA, 1990. The petitioner seeks to refund/deposit the Government's share in Contributory Provident Fund with interest and additional interest in

order to avail the benefit of pension. Hence, this writ petition.

4. Mr. Sourav Mitra, learned Advocate for the petitioner submits that in order to avail the benefit of family pension the petitioner intends to deposit the Government's share of Contributory Provident Fund together with interest and additional interest. As the concerned employee has exercised option under ROPA 1990, a fresh option will not be necessary for switching over to pension scheme. In support of his contention, he relies on the decision of Hon'ble Division Bench passed in *Pramila Behara versus State of West Bengal & Ors.* (Re: FMA 864 of 2022) and *Kalpana Bit versus State of West Bengal & Ors.* (Re: WPA 23581 of 2023).
5. Ms. Kakali Samajpati, learned Advocate for the State submits that the petitioner although claimed that his wife opted for revised pay under ROPA 1990, however, he failed to produce any document. The wife of the petitioner never exercised option to switch over from Contributory Provident Fund to General Provident Fund in order to avail the benefit of pension. As such, the petitioner is not entitled to opt for switching over. She seeks for dismissal of the writ petition.
6. In reply, Mr. Mitra, learned Advocate for the petitioner submits that there is no denial to the fact that the wife of the petitioner exercised option under ROPA 1990 as well as ROPA 1998 which will be evident from the service book. Therefore, the petitioner is very much entitled to avail the benefit of family pension upon

deposit of Government's share in Contributory Provident Fund. He files a copy of the service book of the concerned employee which is taken on record.

7. It has been categorically pleaded in the writ petition that the concerned employee exercised option under revised scale of pay as per ROPA 1990. The service book shows that the concerned employee also exercised option under ROPA 1998. Furthermore, there is no such denial as regards exercise of option by the concerned employee for revised scale of pay under ROPA 1990 and ROPA 1998.
8. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014, the teachers were given option to join GPF Scheme upon refund of employer's share of Contributory Provident Fund.
9. The Hon'ble Division Bench in *Pramila Behara (supra)* as well as in *Kalpna Bit (supra)* has allowed such prayer of the appellant to deposit the employer's share of Contributory Provident Fund for availing benefit of pension. The decision of the Hon'ble Division Bench has been followed by the Co-ordinate Bench of this Court in *Santilala Mahato versus State of West Bengal & Ors. (WPA 16272 of 2025)* as well as in other writ petitions.
10. In view of the submissions advanced on behalf of the respective parties and in line with the decisions of Hon'ble Division Bench in *Pramila Behara (supra)* as well as in *Kalpna Bit (supra)*, respondent no.4, the District Inspector of School (P.E.) North 24-Parganas, is directed to calculate the amount required to be refunded

by the petitioner including interest and additional interest to get the benefit of pension and upon deposit of the said amount the respondent no.4, being the pension sanctioning authority, shall verify the pension papers of the petitioner 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's wife.

11. 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 superannuation of the wife of the petitioner.
12. In the event the petitioner is found entitled to family pension, the authority concerned shall grant the same in his favour from the date following the date of death of the petitioner's wife.
13. With the above direction, the writ petition being **WPA 11583 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

19. 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.)