

07.11.2025
Sl. No.28
Ct. No.7
ss

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

W.P.A. No. 20528 of 2025

**Shikha Kanrar
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Maiti

...for the Petitioner.

Mr. Suprabhat Bhattacharya
Ms. Rinku Sen

...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 refund the Government's share in Contributory Provident Fund with interest and additional interest as per the Government Scheme in order to avail the benefit of pension.;
3. The petitioner contends that her husband was working as an Assistant Teacher of Shibgachia Harijan Primary School, P.O.-Shibgachia, Jhikiria, District-Howrah. The husband of the petitioner while in service died on 17th December, 1991. The petitioner is the widow of the deceased employee. The husband of the petitioner exercised option under ROPA 1990.
4. Mr. Sudipta Maiti, learned Advocate for the petitioner submits that the petitioner is willing to refund the Government share of contribution in the provident

fund along with interest and additional interest in order to avail the benefit of pension.

5. Learned Advocate for the State submits that the petitioner is not entitled to refund the employer's share of CPF since the employee did not exercise option from CPF to GPF.
6. 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 employee's share of provident fund.
7. In the light of the proposition laid down by the Hon'ble Division Bench of this Court in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** and in ***State of West Bengal versus Sefali Jana & Ors. (In Re: FMA 620 of 2018)***, the petitioner being the widow of the deceased teacher can refund the Government's share in Contributory Provident Fund to avail the benefit of pension along with interest and additional interest as per the Government Scheme.
8. In line with the above decision, the respondent No.4, District Inspector of Schools (Primary Education), Howrah is directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension and upon deposit of the said amount the said respondent 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.

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 superannuation of the petitioner's husband.
10. With the above direction, the writ petition being **WPA 20528 of 2025** 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.)