

10.11.2025
Item No. 21
Ct. No. 07
AN

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

**WPA 21767 of 2025
Saraswati Mahata
vs.
State of West Bengal & ors.**

Ms. Pritikana Gantait

... for the petitioner

Mr. Aswini Kr. Bera

Mr. Tapan Kumar Jana

... 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 of provident fund with interest and additional interest in terms of the Government scheme in order to avail the benefit of family pension.
3. The petitioner contends that her husband was a primary teacher in Patharpara Primary School, Vill. Patharpara, P.O. Bhimpur, Dist. Paschim Medinipur. The husband of the petitioner retired from service on 31st August, 2000 and died on 26th June, 2018. The husband of the petitioner exercised the option under ROPA, 1990. The petitioner seeks to refund the Government's share in Contributory Provident Fund in order to avail the benefit of family pension.

4. Ms. Pritikana Gantait, learned advocate appearing for the petitioner submits that the petitioner being the widow intends to avail the benefit of family pension upon refund of employer's share of provident fund with interest and additional interest.
5. Mr. Aswini Kumar Bera, learned advocate representing the State leaves the matter to the discretion of the Court, since the issue has already been settled by the Hon'ble Division Bench.
6. In the decision passed in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** the Hon'ble Division Bench has allowed the widow to deposit the employer's share of Contributory Provident Fund with interest and additional interest. This court in similar circumstances has also permitted the widow of the deceased teacher to exercise the option in terms of the aforesaid Government Order. Reliance is placed on the decision of a Coordinate Bench passed in ***Pratima Kanrar versus State of West Bengal (In Re: WPA 17849 of 2025)***.
7. In view of the above, respondent no. 4, the District Inspector of Schools (P.E.), Paschim Medinipur is directed to calculate the amount together with interest and additional interest to be refunded by the petitioner to avail the benefit of family pension and upon deposit of the said amount, respondent no. 4, the District Inspector of Schools (P.E.), Paschim

- Medinipur being the Pension Sanction Authority, shall verify the pension papers of the petitioner and shall send the same to the Director, Directorate of Pension, Provident Fund and Group Insurance, Government of West Bengal, respondent no. 3 herein for further steps to be taken in accordance with law for issuance of pension payment order in favour of the petitioner.
8. Both respondent nos. 3 and 4 shall comply with the respective directions in this regard as expeditiously as possible. The pension shall be paid to the petitioner on and from the date of superannuation of the petitioner's husband.
 9. With the above observations, **WPA 21767 of 2025** stands disposed of.
 10. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
 11. Consequently, connected applications, if any, also stand disposed of.
 12. Interim orders, if any, stand vacated.
 13. There will be no order as to costs.
 14. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)