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08.01.2026
Ct. No. 11
KCP

FMA 1320 of 2024
with
IA No. CAN 1 of 2025

(Smt. Durga Rani Kamar Vs. The State of West Bengal & Ors.)

Mr. Tarun Kumar Das
Mr. Dilip Kumar Shyamal
Mr. Ashok Kumar Sardar
Mr. Pratap Kumar Yadav
.... For the appellant

Mr. Samim ul-Bari
..... For the State respondents

Mr. Suman Basu
..... For the respondent no. 4

The present appeal has been preferred challenging an order dated 12th September, 2024 passed by the learned single Judge in the writ petition being WPA 25870 of 2022 dismissing the writ petition upon observing *inter alia*, that ‘since husband of the petitioner died on 13th November, 2007 the petitioner cannot exercise option for switching over from CPF to General Provident Fund-cum-Gratuity Scheme’.

The following facts are not in dispute. The appellant’s husband was an assistant teacher at Kulpi Kalika Vidyapith, who retired on 30th November, 2000 and expired on 13th November, 2007. He opted for Contributory Provident Fund (hereinafter referred to as CPF) under the pension scheme. The retiral dues, as opted for, were disbursed in favour of the appellant’s husband through issuance of necessary pension payment order. After her husband’s demise, the appellant approached the authorities claiming family pension but in

vain and as such she was constrained to prefer the writ petition.

Mr. Das, learned advocate appearing for the appellant apprises this Court that during pendency of the present appeal the Government share as calculated by the competent authority had been deposited by the appellant along with accrued interest on 3rd December, 2025 and the said amount had already been accepted by the authorities.

Mr. Bari, learned advocate appearing for the State has not disputed such fact and he submits that all necessary follow up steps are being taken for disbursement of the family pension in favour of the appellant subject to compliance of all necessary formalities.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The issue involved in the present appeal is no longer *res integra* in view of the judgment delivered in the case of *District Inspector of Schools (SE), Kolkata –vs- Abhijit Baidya*, reported in (2013) 3 CHN 711. It has also been decided by a co-ordinate Bench of this Court in an appeal being *FMA 620 of 2018* that the widow of a deceased teacher would be entitled to family pension on account of the service of her husband, who opted for revised scale under the Revision of Pay and Allowance Rules, 1990, upon refund of the Government share of CPF.

Accordingly, the order impugned in the present appeal is set aside and the respondents are directed to disburse the benefits of family pension in favour of the appellant within a period of four weeks from the date of compliance of all necessary formalities.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)