

19.01.2026
Sl. No.10
Ct. No.14
Ss

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

W.P.A. No. 27463 of 2025

**Chhabirani Mondal
Versus
The State of West Bengal & Ors.**

Mrs. Sabita Khutia (Bhunya),
Ms. Arpita Saha

...for the Petitioner.

Md. Nure Zaman

...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 direction upon the respondent authorities to allow the petitioner to deposit the employer's share of Contributory Provident Fund amount with interest and additional interest in order to avail the benefit of family pension.
3. The petitioner contends that her husband was appointed as Assistant Teacher of Thakuranichak Primary School, Howrah and after rendering 31 years of service he retired from service on superannuation on 31st July, 1995 at the age of 60 years. The petitioner's husband exercised option under ROPA 1990. The husband of the petitioner died on 14th May, 2010. The petitioner seeks permission to deposit the Government's share of Contributory Provident Fund

with interest and additional interest to avail the benefit of pension. Hence, this writ petition.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that 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 may be permitted to deposit the employer's share of Contributory Provident Fund amount together with interest and additional interest to avail the benefit of family pension.
5. Md. Nure Zaman, learned Advocate for the State submits that during his lifetime the husband of the petitioner did not exercise any option for switching over from Contributory Provident Fund to General Provident Fund. After a long lapse of time, the instant writ petition has been filed seeking permission to deposit the employer's share of contribution in Contributory Provident Fund which is not at all tenable. He seeks for dismissal of the writ petition.
6. It is not in dispute that the husband of the petitioner has exercised option under ROPA, 1990. The issue is no more *res integra* that once option under ROPA, 1990 has been submitted, fresh option is not required. Further, delay cannot be a ground of denying the valuable right of the petitioner to get the family pension.

7. In view of the above, the respondent No.4, District Inspector of Schools (PE), 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.
8. 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.
9. With the above direction, the writ petition being **WPA 27463 of 2025** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

15. 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.)