

17.06.2026
Sl. No.50
Ct. No.6
gd

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

WPA/783/2026

**SR. MARTHA MATHEW
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Saktipada Jana
Mr. Debajit Kundu

...for the Petitioner.

Mr. Arijit Ghosh
Ms. Rajni Singh Dev

...for the State.

1. Report filed on behalf of the State is taken on record.
2. By the present writ petition, the petitioner seeks permission to deposit/refund the Government's share in Contributory Provident Fund amount together with interest and additional interest in order to avail the benefit of pension.
3. The petitioner contends that she retired from service as Headmistress of Holy Cross Institute, District-Darjeeling on superannuation on 31st August, 2011. The petitioner exercised option under ROPA 1990. In order to avail the benefit of pension the petitioner intends to deposit/refund the

Government's share in the Contributory Provident Fund. Hence this writ petition.

4. Mr. Sakti Pada Jana, learned advocate for the petitioner relying on the decision of Hon'ble Division Bench in ***The State of West Bengal & Others v. Muktimoyee Pal (Dey) & Others (In Re: MAT 146 of 2019)*** and decision of Coordinate Bench passed in ***Bhabani Kumar Paul v. State of West Bengal & Others (In Re: WPA 20365 of 2024)*** submits that the petitioner be permitted to refund the Government's share in Contributory Provident Fund amount with interest and additional interest from the date of superannuation in order to avail the benefit of pension as per the Government Order No.749-SE(L)/55-56/13(Pt.V) dated 13th June, 2014.
5. On the contrary Mr. Arijit Ghosh, learned advocate for the State submits that the petitioner has not exercised option as per Notification No. 749-SE(L)/55-56/13(Pt.V) dated 13th June, 2014 for switching over to pension-cum-gratuity scheme within the prescribed period of three months and, therefore, the petitioner is not entitled to refund the employer's share in Contributory Provident Fund amount at this stage. He seeks for dismissal of the writ petition.

6. It is no more *res integra* that once the option under ROPA 1990 is exercised, the exercise of fresh option all over again is not necessary. Therefore, the contention of the State respondents in such regard does not hold good.
7. In line with the earlier decision, the respondent No.3, the District Inspector of Schools (S.E), Darjeeling Hill Areas is directed to calculate the employer's share of Contributory Provident Fund together with interest and additional interest from the date of superannuation, which the petitioner is required to refund for availing the benefit of pension and intimate the same to the petitioner with a period of eight weeks from date of communication of this order. The petitioner shall deposit the specified amount of the employer's share of CPF with interest and additional interest to the Government Treasury through the concerned District Inspector of Schools. The concerned District Inspector of Schools shall send the pension papers of the petitioner to the Respondent No.4-the Director of Pension, Provident Fund and Group Insurance, West Bengal after verifying the same and shall issue pension payment order in favour of the petitioner as expeditiously as possible. The pension shall be

granted from the date following the date of retirement of the petitioner.

8. Learned advocate for the petitioner is directed to communicate this order to respondent No.3, the District Inspector of Schools (S.E), Darjeeling Hill Areas and Respondent No.4-the Director of Pension, Provident Fund and Group Insurance, West Bengal, for necessary compliance.
9. With the above direction, the writ petition being **WPA 783 of 2026** 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.
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.)