

05.05.2026
Sl. No. 11
Ct. No.14
AN

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

WPA/1732/2026
SHYAMALI GAYEN @ SHYAMALI GAYEN SAMANTA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra,
Mr. Sudipta MaitY
Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Biplab Guha
Miss Debangana Dey Nayak

... 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 for permission to refund the government's share in Contributory Provident Fund with interest and additional interest in terms of government scheme in order to avail the benefit of family pension.
3. The petitioner contends that her husband, namely, late Subhendu Kumar Samanta @ Subhendu Samanta was an Assistant Teacher of Gorrapata Primary School, P.O. Sarishakhola, District-Paschim Medinipur. The petitioner's husband died-in-harness on 23rd August, 1987. The petitioner's husband exercised option under ROPA 1990 for revised scale of pay. The petitioner

being the widow of the deceased employee intends to refund the Government's share of contributory provident fund with interest and additional interest in order to avail the benefit of family pension. Hence this writ petition.

4. Mr. Sourav Mitra, learned Advocate appearing for the petitioner submits that since the husband of the petitioner exercised option under ROPA 1990 a fresh option would not be required. However, the grant of family pension will be subject to refund of the Government's share of Contributory Provident Fund together with interest and additional interest. To buttress his contention, he relies on a decision of the Hon'ble Division Bench of this Court passed in ***State of West Bengal versus Sefali Jana (In Re: FMA 620 of 2022)*** as well as a Coordinate Bench of this Court in ***Santilata Mahato versus The State of West Bengal & Ors. (In Re: WPA 16272 of 2025)***.
5. Mr. Biplab Guha, learned advocate appearing for the State submits that the petitioner is not entitled for the benefit under pension-cum-gratuity scheme since the deceased employee did not opt for the said scheme till his death.
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 employer's share of provident fund. Admittedly, the husband of the petitioner exercised option under ROPA 1990. It is no

more res integra that once an option is availed under ROPA 1990, fresh option for pension is not required.

7. In line with the decisions rendered by the Hon'ble Division Bench as well Coordinate Bench of this Court, the respondent No.4, District Inspector of Schools (P.E), Paschim Medinipur is directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension. Upon deposit of the said amount, the said respondent being the pension sanctioning authority shall verify the pension papers of the petitioner's husband and sent the same to the respondent No. 3, the 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. 3 and 4, the Director of Pension, Provident Fund and Group Insurance and the District Inspector of Schools, (P.E.), Paschim Medinipur 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 retirement of the petitioner's husband.
9. With the above direction, the writ petition being **WPA 1732 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.
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.)