

W.P.A. 6300 OF 2021

Smt. Nilima Sahu

-vs.-

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya
Ms. Santi Das (Bhowmick).

....For the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman De.

....For the State

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated January 5, 2021 passed by the Joint Secretary, Government of West Bengal School Education Department (Secondary Branch) rejecting the prayer of the petitioner for seeking condonation of delay for depositing of the amount for switching from C.P.F. to G.P.F.

2. Counsel on behalf of the petitioner submits that the document relied upon by the Joint Secretary is the observation of the Finance (Audit) Department, Pension Branch, dated November 27, 2020, which says that the petitioner had deposited the money on January 14, 2016.

3. Counsel on behalf of the petitioner submits that this is incorrect and relies on the T.R. Form No. 7 at page 22 of

the writ petition to indicate that the payment was made on December 17, 2014.

4. It has further been seen that similar condonation of delay was allowed in several cases.

5. Counsel on behalf of the respondents submits that in other cases the mistake was that of the State but in this particular case the delay is solely upon the petitioner.

6. Upon consideration of the materials on record I am of the view that the reason given by the Finance (Audit) Department, Pension Branch is not correct and therefore, the order dated January 5, 2021 is set aside with a direction upon the authorities to allow the petitioner to switchover from C.P.F. to G.P.F within a period of twelve (12) weeks from date.

7. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)