

04.  
19.09.2022.  
Ct. No. 21.  
F.B.

**WPA 11849 of 2021**

**Anjan Chakraborty**  
**-Vs.-**  
**The State of West Bengal & Ors.**

**Mr. Anil Kumar Chattopadhyay**  
**..... For the Petitioner.**

**Mr. Anirban Ray,**  
**Mr. Biswabrata Basu Mallick,**  
**Mr. Sayan Ganguly**  
**..... For the State.**

**Mr. Arjun Ray Mukherjee,**  
**Mr. Jayjeev Medhi**  
**..... For the Respondent**  
**Nos. 2 to 5.**

The petitioner claims to be a Clerk-cum-Typist working with the West Bengal Pollution Control Board since May 5, 1986. The petitioner's date of superannuation was on August 10, 2022.

Mr. Chattopadhyay, Learned Counsel appearing for the petitioner, submits that he made a representation on February 3, 2021 for switch over of Contributory Provident Fund Scheme to General Provident Fund Scheme. The said representation of the petitioner was not considered by the employer.

Mr. Ray Mukherjee, Learned Counsel appearing for the Respondent Nos. 2 to 5, submits that there was

only one time option by a letter dated November 17, 1995 given to the employees and the writ petitioner did not avail of the same within the stipulated time. At the fag end of his career on February 3, 2021, he made his first representation for such switch over and as such, there is no legal right for being considered for the switch over.

Having considered the rival submissions of the parties and the materials placed on record, I direct the Member Secretary/respondent no. 3 to consider the representation of the writ petitioner in accordance with law and their own internal rules.

The respondent no. 3 is directed to give a personal hearing to the petitioner before passing a reasoned order within six weeks from date, upon consideration of the three Benches Judgement of this Hon'ble Court passed in **District Inspector of Schools (SE), Kolkata and Anr. -Vs.- Abhijit Baidya & Ors reported in 2013(3) CLJ (Cal) 178**. A communication should be made to the writ petitioner within two weeks from the date of passing the reasoned order.

Since no affidavits have been called for in this writ petition, all allegations contained therein are deemed not to have admitted.

The writ petition being **WPA 11849 of 2021** is  
**disposed of.**

All parties to act in terms of the copy of the  
order downloaded from the official website of this Court.

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

**(Lapita Banerji, J.)**