

26.07.2022
Court No.13
Item No.495
AP

WPA 11862 of 2022

**Malati Mandal
Vs.
The State of West Bengal and Ors.**

Mr. Tulsi Das Maiti
Mr. Pradip Kumar Ghosh
Ms. Namita Basu

... For the petitioner.

Affidavit of service filed in Court today be kept with the record.

The petitioner's husband Sachindra Nath Mandal was an assistant teacher of Panchberia Ramchandra Smriti Siksha Mandir. He retired from service on 30.04.2004.

The petitioner's husband died on 02.11.2012 without being able to exercise option for conversion from CPF to GPF. The petitioner has made a representation before the Secretary, Department of School Education, Government of West Bengal and the Director of Pension and Provident Fund and Group Insurance, Government of West Bengal allegedly on 07.09.2015.

The representation of the petitioner has not been considered. There is some doubt as to whether the representation has, in fact, been sent to the respondents or not.

Be that as it may, the petitioner has placed reliance on a decision of a Co-ordinate Bench, inter

alia, in the case of ***Putul Mondal Vs. State of West Bengal and Ors.*** in ***WP No.614(W) of 2016*** and the orders passed thereunder by the Director, Pension Provident Fund and Group Insurance, Government of West Bengal. The petitioner claims to be similarly situated as the said Putul Mondal.

In those circumstances, the respondent No.4, the Director, Pension Provident Fund and Group Insurance shall consider the petitioner's representation and dispose of the same in accordance with law within a period of four months from the date of communication of a copy of this order.

The Director, Pension Provident Fund and Group Insurance shall be entitled to call for all records from the office of the concerned District Inspector of Schools or from the school.

The petitioner and/or her legal representative may be heard by the Director, Pension Provident Fund and Group Insurance, if necessary.

It is made absolutely clear that the Director, Pension Provident Fund and Group Insurance shall consider the case strictly on its merit and the law after verifying all records.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)