

02.08.2022
Court No.13
Item No.596
AP

WPA 30043 of 2017

**Priyabrata Chowdhury and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Shuvro Prakash Lahari
Ms. Bratati Dey
Mr. Rajesh Naskar

... For the petitioner.

Mr. Tapan Kumar Mukherjee
Mr. Sagnik Chatterjee

..For the State.

The issue raised in the writ petition is as to whether the teaching and non-teaching staff of Ramkrishna Mission Boys Home Industrial Training Centre, Narendrapur, Kolkata are entitled to exercise option to switch over from CPF to GPF in terms of the decision of a Special Bench in the case of ***District Inspector of Schools (SE), Kolkata & Ors. Vs. Abhijit Baidya & Ors.*** reported in ***(2013) 3 Calcutta Law Journal 178.***

This Court, in the above case has found that the said institution comes within the expression of “school” and it is an educational institution.

The judgment dated 25th November 2019 passed in WP No.30038(W) of 2017 (***Kamala Kanta Jana and Ors. Vs. The State of West Bengal and Ors.***) has been upheld by a Division Bench in an order dated 5th May 2022 in FMA 470 of 2021 (***State of West Bengal and Ors. Vs. Kamala Kanta Jana and Ors.***).

In view of the settled principle of law as above, the petitioners who are also similarly situated as the petitioner's in WP No.30038(W) of 2017 shall be entitled to switch over from CPF to GPF under the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement) Benefits Scheme 1981.

The petitioners shall also be entitled to the benefit of the notification dated 13th June 2014 being No.749-SE issued by the School Education Department, Government of West Bengal.

For the aforesaid purpose, the petitioners will have to, inter alia, refund and return all amounts received by them towards CPF together with interest within a period of one month from date, if not already done, and follow all other procedures in terms of the notification dated 13th June 2014.

Upon being satisfied with fulfillment of all the requirements, appropriate pension and other benefits may be released to the petitioners within a period of two months thereafter.

In view of the above, the impugned order dated 5th September 2017 shall stand quashed and set aside.

The petitioners are entitled to pension from the next day of retirement and any arrear pension shall be paid to them within a period of one month after release of pension. The petitioners shall also be entitled to interest

at the rate of 6 percent per annum on the arrears of their pension.

With the aforesaid observations, the writ petition is disposed of.

There will 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.)