

08.08.2023
(D/L-3)
Ct.-18
(Susanta)

W.P.A. 458 of 2022

Purna Chandra Bera
-Vs-
The State of West Bengal & Ors.

Ms. Chandana Chakraborty,
.... For the Petitioner.

Mr. Supriyo Chattopadhyay, AGP,
Mr. Abhishek Prasad,
.... For the State.

The petitioner was the Headmaster of Nawapara Nilkamal High School, District-Howrah, on superannuation, he retired from his said service on January 31, 2017.

The petitioner though exercised option to switch over from CPF scheme to the GPF-cum-pension scheme as per G.O no. 749-SE(L)/SL/55-56/13 dated June 13, 2014 but failed to deposit the Government's share of Contributory Provident Fund with interest and additional interest to the Government treasury within the stipulated time.

The representation of the petitioner to allow him to deposit the said Government's share with interest and additional interest could not attract the attention of the concerned authority, the petitioner praying disposal of his said representation, filed a writ petition being W.P. 20895 (W) 2018.

The said writ petition was disposed of by the order dated July 22, 2019 granting liberty to the petitioner to approach the concerned authority for consideration of his prayer.

The Principal Secretary, School Education Department by the order impugned bearing no. 1124-SE(Law)/SL/5S-412/18 dated September 16, 2019 has refused to grant permission to the petitioner as prayed for holding that the option exercised by the petitioner has become infructuous for his failure to refund the employer's share of Contributory Provident Fund with interest and additional interest, he however, on sympathetic ground, referred the prayer of the petitioner to the Finance Department, Government of West Bengal for further decision.

Mr. Chattopadhyay, learned Additional Government Pleader submits that in terms of the order passed by this Court, the Additional Chief Secretary, Finance Department on August 05, 2023 has disposed of the said prayer of the petitioner, condoning the delay in depositing the government's share of Contributory Provident Fund with interest and additional interest to come under pension-cum-gratuity scheme and the Assistant Secretary, School Education Department under his Memo bearing No. 1048- SE/SL/5S-421/18 dated August 07, 2023 has communicated

the said decision of the Finance Department to the District Inspector of School (S.E) Howrah, the respondent no. 3 herein. Mr. Chattopadhyay files copy of the said decision of the Finance Department dated August 05, 2023 and said communication thereof dated August 07, 2023, let those documents be kept with the record.

In view of the aforementioned development, the respondent no. 3 is directed to take follow-up steps, the petitioner is directed to co-operate with the said respondent.

It is made clear that the Additional Chief Secretary, Finance Department has considered the prayer of the petitioner purely on sympathetic grounds, therefore, this order shall not be treated as a precedent.

W.P.A. 458 of 2022 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)