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WPA 5559 of 2023

**Chandrani Barua
Vs.
State of West Bengal & Ors.**

Mr. Bibek Chatterjee
Ms. Susmita Saha
... For the petitioner.

Mr. Nabhajit Prasad Basu
Mr. Prashant Kumar Tripathi
... For the State.

The father of the petitioner was a retired teaching staff member at Asutosh College, Calcutta.

By filing this writ petition, the petitioner claims for release of pensionary benefits in her favour after setting aside the order dated January 18, 2023, issued by the Director of Public Instruction, West Bengal, whereby the claim of the petitioner was rejected.

The order impugned dated January 18, 2023 passed by the Director of Public Instruction makes factual position involved in this case clear.

The father of the petitioner initially opted for Contributory Provident Fund scheme and his prayer for switch over to General Provident Fund scheme was rejected by the Higher Education Department by an order dated January 29, 1990.

Thereafter, by a memo dated August 13, 1991, the Higher Education Department allowed the members of teaching staff of non-government affiliated

colleges to exercise fresh option either for Pension (including family pension)-cum-Gratuity or for Contributory Provident Fund-cum-Gratuity as a very special case within a period of sixty days from the date of circulation of the order.

The claim of the petitioner that her father exercised option in terms of the aforesaid Circular dated August 13, 1991 was disbelieved by the Director of Public Instruction, West Bengal since there was nothing on record to substantiate such claim. The said authority from the material available on record found that after retirement of her father on June 30, 1998 after completion of 65 years of age, the college authority submitted his pension related papers on May 15, 1999 along with his Service Book and the option for CPF wherein the college proposed for payment of gratuity without any pension.

Accordingly a sum of Rs. 12,000/- was sanctioned by the Director of Public Instruction towards gratuity. Thereafter, the father of the petitioner applied for reconsideration of his prayer for change of option from CPF to GPF but the said prayer was rejected again on September 04, 2001. The father of the petitioner again renewed his prayer on June 08, 2011, which was also rejected.

Thereafter, the Principal of the relevant college submitted a fresh set of pension papers in favour of the

father of the petitioner along with a new Service Book and new option purported to have been submitted by him on November 02, 1991 and prayed before the Director of Public Instruction to consider his prayer for granting him pension.

The matter was referred to the Finance Department but the said department by its office notes dated May 15, 2019 declined to accept the prayer.

In the order impugned, the Director of Public Instruction found that the new Service Book of new option form was submitted by the college unethical by way of an afterthought.

The father of the petitioner died on March 10, 2023, without challenging the aforesaid orders rejecting his prayer to convert from CPF to GPF.

The order impugned does not call for any interference. The factual finding of the Director of Public Instruction with regard to the failure of the petitioner's father to re-exercise the option cannot be interfered by this Court.

Accordingly, **WPA 5559 of 2023** is dismissed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)