

27.07.2023
(S/L-05)
Ct.-18
(P.Jana)

W.P.A. 11280 of 2023

Smt. Pratima Jana
-Vs-
The State of West Bengal & Ors.

Mr. K. M. Hossain,
Mr. Ratan Das,
.... For the Petitioner.

Mr. Biswabrata Basu Mallick, AGP,
Mr. Biman Halder,
.... For the State.

Mr. Gouranga Kumar Das,
Ms. Swati Mandal,
... For the respondent no. 6.

The personal appearance of the respondent no. 6, in compliance with the order dated July 19, 2023 has been recorded in the report of the learned Registrar General dated July 26, 2023.

The petitioner is the widow of an approved Assistant Teacher. She is praying to exercise the option to switch over to GPF scheme from CPF scheme which her husband, though tried, but could not complete.

It appears from the record that the husband of the petitioner praying leave to exercise such option, filed a writ petition being WP No. 17073 (W) of 2010. The said writ petition was disposed of on July 25, 2013 in the absence of both the parties by granting liberty to the husband of the petitioner to exercise such option upon refund of the employer's

share of contribution with interest and additional interest.

Unfortunately, the husband of the petitioner died on March 03, 2012 i.e. prior to the said order being passed.

Mr. Gouranga Kumar Das, learned counsel for the school authority, submits that the husband of the petitioner during his lifetime took all benefits of his retiral dues under the CPF scheme.

The option to switch over to GPF scheme from CPF scheme can only be exercised by the concerned employee, the petitioner is not entitled to exercise such option, as such is not entitled to the relief, as prayed for.

In view of the discussion made above, W.P.A. 11280 of 2023 is **dismissed** accordingly without any order as to costs.

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

(Biswajit Basu, J.)