

04.09.2023
(I.No.19)
Ct.-18
(P.Jana)

W.P.A. 13900 of 2023

Usha Rani Chaulya
-Vs-
The State of West Bengal & Ors.

Mr. Tulsi Das Maiti,
Mr. Pradip Kumar Ghosh,
Mrs. Namita Basu, For the petitioner.

Mr. Suman Dey,
Ms. A. Mondal, ... For the State.

The petitioner is the widow of a deceased teacher who died after his retirement on July 17, 2013. The deceased teacher though intended but failed to exercise option to switch over from CPF to GPF Scheme, during his life time.

The petitioner is now praying leave to exercise such option upon refund of the Government's share with interest and additional interest in the Provident Fund account of her deceased husband. Her representation to the said effect is pending consideration before the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no. 4 herein. The said representation is appearing at page 21 of the writ petition being Annexure P-3.

Mr. Suman Dey, learned counsel for the State, submits that the petitioner is not entitled to the pensionary benefit as the time to exercise option to come under Pension Scheme has long back expired.

Be that as it may, a representation of the petitioner since is pending before the respondent no. 4, the said respondent is directed to consider the said representation in

accordance with law and to dispose of the prayer of the petitioner after giving her an opportunity of hearing.

The respondent no. 4 shall make all endeavour to complete his exercise in this regard within a period of four weeks from the date of communication of this order.

The petitioner is required to serve a complete copy of the writ petition along with the copy of this order upon the said respondent no. 4 within a week from date.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

WPA 13900 of 2023 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.)