

54 04.11.2024
rkd Ct.18

W.P.A. 371 of 2023

Kalyani Gayen

-vs-

The State of West Bengal & Ors.

Mr. Aniket Mitra

....for the petitioner.

Matter is heard in presence of the learned advocate representing the petitioner.

However, State respondents are not represented.

The wife of a deceased teacher has come forward for switching over from CPF to GPF. It is submitted that husband of the petitioner retired on 30th September, 2007 and thereafter died on 27th January, 2014. After superannuation of the husband of the petitioner by issuing order dated 24th September, 2007 benefits were paid to the husband under the Contributory Provident Fund Scheme. Subsequently, due to consolidation of such benefits another order was issued on 24th July, 2012 and revised benefits were paid to the husband of the petitioner.

Petitioner being the widow of a deceased teacher now prays for direction upon the State authorities to permit her to get the benefits of

pension on switching over from CPF to GPF. It is submitted that several representations have been made in this regard but those cannot yield any result.

On perusal of the material available on record and having heard the learned advocate representing the petitioner, it appears that husband of the petitioner retired on 30th September, 2007 and by two separate orders dated 24th September, 2007 and 24th July, 2012 got entire benefits under Contributory Provident Fund Scheme. Thereafter husband died on 27th January, 2014. After death of the husband of the petitioner on 27th January, 2014 wife of the petitioner is claiming benefits of family pension on switching over from CPF to GPF.

On consideration of the facts, it appears that husband did not apply for switching over from CPF to GPF within the stipulated time in terms of earlier Government notification. Subsequently, judgment was delivered by the Hon'ble Special Bench on 16th July, 2013 on intra Court appeal being APO 94 of 2009 (State of West Bengal & Ors. -vs- Abhijit Baidya & Ors.) and in terms of the directions as contained in the said judgment dated 16th July, 2013 Government notification was issued

on 13th June, 2014 granting three months time to pensioners to exercise option for switching over from CPF to GPF.

Admittedly, the benefit of this Government notification dated 13th June, 2014 could not be availed of in the present case and the wife made certain representations for switching over.

At this belated stage, much after expiry of the time fixed for switching over no relief can be granted to the petitioner to get the benefit of pension/family pension upon permitting her to exercise option in order to switch over from CPF to GPF.

Hence, the writ petition stands dismissed.

However, There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)