

04.09.2024
Item No.32
Ct. No. 7
KS

W.P.A. 1145 of 2020

Moon Moon Sen (Sinha)
Versus
Bangiya Gramin Vikash Bank & Ors.

Mr. Subhas Chandra Atha

Ms. Payel Pramanick

.....For the Petitioner

Md. Mokaram Hossain

Md. Naimul Islam

Mr. Mizanur Rahman

.....For the Bank

Mr. Anil Kumar Gupta

.....For the P.F. Authority

1. Affidavit-in-Opposition filed in Court be taken on record.
2. The husband of the petitioner viz. Tanay Sinha, who was posted as an Office Assistant in Sanbandha Branch Office of Bangiya Gramin Vikash Bank died-in-harness on June 5, 2012.
3. Bangiya Gramin Vikash Bank by a Notification dated 9th April, 2019 allowed all the retired employees and eligible family members of deceased employees to come over to the pension scheme upon exercising option in terms of Bangiya Gramin Vikash Bank (Employees') Pension Regulation, 2018. By virtue of the said scheme, all retired employees and eligible family members of the deceased employees, who opted for pension scheme

under the 2018 Regulation till April 8, 2019 were advised to refund the entire corpus comprising of bank contributions to provident fund through Demand Draft favouring Bangiya Gramin Vikash Bank (Employees') Pension Fund Trust latest by 7th June, 2019.

4. The petitioner claims to have exercised his option within the stipulated time limit, but it is not in dispute that she did not refund the entire corpus comprising of banks contribution to provident fund within the stipulated time limit i.e. June 7, 2010.
5. The petitioner applied before the concerned authorities to allow her to refund the said amount. Such prayer was rejected by the concerned authority of the bank by a letter dated December 10, 2019 on the ground that the amount was refunded within the stipulated time limit. The petitioner has challenged the said order in this writ petition.
6. Heard the learned advocates for the parties.
7. The issue as to whether the petitioner can be allowed to switch over to the pension scheme by condoning the delay in refunding the bank's contribution has been settled by a Co-ordinate Bench of this Court in the order dated February 23, 2021 in *W.P.A. 3563 of 2020*. The

Co-ordinate Bench held that when the regulation clearly prescribed that the refund is required to be made within the time stipulated therefor, no exception can be made by extending the time limit for such deposit. The said decisions squarely apply to the facts of this case.

8. In view thereof, this Court is not inclined to grant any relief to the petitioner. The writ petition accordingly fails and the same stands dismissed.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)