

04.09.2024
A 2210
Ct. No.15
S.A.

WPA 7350 of 2022

**Chintamoni Sah since deceased is substituted by
Ashok Dom**

-vs-

The State of West Bengal & Ors.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
Ms. S. Kanu

...for respondent no.3

Let the report filed by respondent no.3 be kept with the records.

The original writ petitioner claiming herself to be the second wife of the deceased employee has filed this writ petition for her family pension. She died on May 25, 2018. Thereafter his son was substituted in this writ petition in place of the writ petitioner.

It appears that the deceased employee was under the Contributory Provident Fund scheme. During his lifetime, he never opted for the pension scheme. The second wife, thereafter, sought to opt for the pension scheme upon refund of the Contributory Provident Fund by filing this writ petition.

In my view, the substituted writ petitioner cannot be allowed at this stage to exercise the option for pension by switching over from the Contributory Provident Fund to pension scheme.

Accordingly, **WPA 7350 of 2022** is dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)