

Item-
ML-15. 01-04-2024

MAT 907 of 2023
CAN 1 of 2023

sg Ct. 8

Aniruddha Bhattacharya
Versus
West Bengal Pollution Control Board & Ors.

Ms. Subhanwita Ghosh, Adv.
...for the appellant
Mr. Arjun Ray Mukherjee, Adv.
Mr. Joyjeev Medhi, Adv.
...for the respondent nos.1&2
Mr. Pinaki Dhole, Adv.
Mr. Pinaki Bhattacharyya, Adv.
...for the State respondent nos.4&5

1. The decision of the learned Single Judge in refusing to extend the time for conversion from CPF to GPF is the subject matter of challenge in this appeal.
2. The appellant is an employee of respondent no.2. He was under suspension for almost three years since September 12, 2003 in view of the pendency of a criminal complaint under Section 498A of Indian Penal Code. However, he was alleged to resume his duty on 3rd May, 2006. In the meantime, in or around March 30, 2004, the respondent no.1 invited options for pensionary benefits from its employees.
3. It is an admitted position that a suspended employee would also be eligible to exercise such option under Rule 4A(i) of the West Bengal Employees' (Death-Cum-Retirement Benefit) Regulation, 2000, West Bengal Pollution Control Board. The writ petitioner applied for such conversion in the year 2016. WBPCB upon consideration of the representation, took a decision to make a request to the Principle Secretary, Department of Environment, Government of West Bengal to

consider the option proposed to be exercised by the writ petitioner. However, the said request for approval was turned down by the Joint Secretary, Department of Environment, Government of West Bengal on January 5, 2018.

4. Curiously, this decision of the Joint Secretary was not challenged. This writ petition was filed for direction upon its employer, WBPCB to allow this employer to accept the option forms which the employer would be unable to accept in view of the decision of the Joint Secretary, Department of Environment, Government of West Bengal dated 5th January, 2018.
5. In view of the aforesaid, we are unable to accept the submission made on behalf of the appellant for a sympathetic consideration on request of the appellant for exercising option of switching over from CPF to GPF which was made almost after a decade without any plausible explanation inasmuch as the decision of the Joint Secretary was not challenged till date.
6. With the aforesaid observation, the appeal and the application are, accordingly, dismissed of. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)