

12.07.2024
Court No. 18
Item No. 07
(Suvendu)

WPA 17566 of 2024

Manju Ghosh
-Versus-

The State of West Bengal & Ors.

Mr. Tarapada Das
Mr. Chandan Dutta
Mr. Goutam Malik
.....for the petitioner

Mr. Sougata Mitra
Mr. Rameshwar Sinha
.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

Petitioner has prayed for extension of time
to deposit Government share of Provident Fund
in connection with service of her husband who
was a Clerk in a Government aided High School
in order to come under the umbrella of GPF
scheme. Husband of the petitioner retired from
his service on 31st July, 2007 and died on 19th
January, 2024.

In support of prayer of the petitioner,
learned advocate representing the petitioner has
drawn attention of this Court to memo dated 2nd
December, 2014 issued by the Joint Secretary,

School Education Department, Government of West Bengal. According to the learned advocate representing the petitioner, by virtue of the said memo dated 2nd December, 2014 petitioner ought to have been allowed to deposit Government share of Provident Fund which petitioner's husband received under CPF scheme for the purpose of conversion from CPF to GPF.

Petitioner prays for issuance of mandamus directing the concerned State respondents to permit the petitioner to deposit Government share of Provident Fund on extension of time which would facilitate the petitioner to come under GPF scheme.

Prayer made on behalf of the petitioner has been opposed by the learned advocate representing the State respondents in view of the Government order dated 13th June, 2014 which was issued in terms of the judgment of the Hon'ble Special Bench dated 16th July, 2013 passed in **APO No. 94 of 2009 (State of West Bengal & Ors. Vs. Abhijit Baidya & Ors.)**. Vide Government Order dated 13th June, 2014, six months time was fixed for depositing Government share of Provident Fund.

Therefore, according to the State respondents, after expiry of the period as per the aforesaid Government Order in 2014 there is no scope left open to permit the petitioner to deposit Government share of Provident Fund at this belated stage.

Having considered the submissions made on behalf of the parties and taking note of the Government Order dated 13th June, 2014 which was issued in terms of the judgment dated 16th July, 2013 passed by the Hon'ble Special Bench in **Abhijit Baidya** (supra), it appears that the time which was fixed for depositing Government share of Provident Fund cannot be extended at this belated stage. In the meantime, precisely ten years have expired after expiry of the period which was fixed for depositing Government share of Provident Fund.

In view of aforesaid scenario, no relief can be granted and the writ petition accordingly 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 parties on usual undertakings.

(Saugata Bhattacharyya, J.)