

23.04.2024
Sl. No.138
Suman
Ct.No.238

WPA 20606 of 2014
With
CAN 5 of 2023

Smt. Santoshi Rai and Ors.
Vs.
Principal Accountant General (A&E),
West Bengal and Ors.

Mr. Sanjoy Mukherjee
Mr. Arghadip Das
..for the petitioner

In Re:- **CAN 5 of 2023**

This is an application for restoration.

Having regard to the averments made in paragraph nos. 3, 4 and 5 of the application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court on April 4 of 2023.

Accordingly, **CAN 5 of 2023** is allowed.

In Re:- **WPA 20606 of 2014**

The original writ petitioner was a Group-D staff of City College of Commerce & Business Administration, Kolkata. Service of the petitioner was

regularised by the Director of Public Instruction, West Bengal by an order dated November 29, 2000.

The college by a letter dated November 25, 2010 requested the Director of Public Instruction, West Bengal to consider the prayer of the petitioner for converting his option to Pension-Cum-Death Benefit Scheme from Contributory Provident Fund-Cum-Gratuity Scheme. The prayer was not considered and the petitioner filed this writ petition alleging inactions on the part of the Director of Public Instruction, West Bengal.

During pendency of this writ petition, the original writ petitioner passed away and his wife, one son and three daughters have been substituted in his place.

I am not inclined to keep this writ petition pending before this Court. Accordingly, I dispose of this writ petition with a direction upon the Director of Public Instruction, West Bengal to consider the prayer for conversion of the option of the deceased employee as indicated above within a period of two months from the date of communication of this order. The Director of Public Instruction, West Bengal shall hear the college and the petitioner, if necessary, before arriving at his decision.

The reasoned order should be communicated to the petitioner within seven days thereafter.

Accordingly, **WPA 20606 of 2014** is disposed of.

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

(Kausik Chanda, J.)