

18.11.2024
Court No. 18
Item No. 112 (ML)
(Suvendu)

WPA 21276 of 2023

Purna Rani Chattopadhyay
-Versus-

The State of West Bengal & Ors.

Mr. Haradhan Mandal
.....for the petitioner

Mr. Vijay Agarwal
.....for the State

Petitioner being wife of deceased teacher who died-in-harness on 13th November, 2003 has preferred this writ petition for switching over from Contributory Provident Fund Scheme (CPF) to General Provident Fund Scheme (GPF).

In terms of the order passed by a Coordinate Bench on 8th April, 2024, a report has been filed in the form of affidavit which is taken on record.

From the said report it appears that Headmistress of the School where petitioner's husband was working vide letter dated 8th January, 2024 informed that husband of the petitioner opted for CPF Scheme. In spite of opportunity was available to husband of the petitioner for switching over from CPF to GPF Scheme in terms of Government Order No. 136-

Edn(B) dated 15th May, 1985 and Government Order No. 496-Edn(B) dated 16th December, 1991, husband of the petitioner did not exercise option. It is also stated since husband died on 13th November, 2003 benefit of Government Order dated 13th June, 2014 which was issued in terms of the judgment of the Special Bench dated 16th July, 2013 passed on intra-court appeal being APO No. 94 of 2009 (State of West Bengal & Ors. Vs. Abhijit Baidya & Ors.) could not be extended to husband of the petitioner.

From the report furnished on behalf of the State respondents it appears that exercise of option to switch over from CPF to GPF Scheme could not be made by husband of the petitioner. Benefit which was provided vide judgment dated 16th July, 2013 of the Special Bench was confined to the pensioners. In the present case, wife of the teacher has come up with the present writ petition at this belated stage when time to exercise option has expired long back.

In view of aforesaid situation, no relief can be granted to the petitioner.

Hence, the writ petition stands dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)