

**W.P.A. 23581 of 2023**

**Kalpana Bit  
Vs.  
The State of West Bengal & Ors.**

Mr. Samiran Mandal  
Mr. S.C. Dhara  
Mr. Abhinaba Das

...for the Petitioner

Mr. Dwarika Nath Mukherjee  
Mr. Manik Lal

...for the State

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

By presenting this writ petition widow being the wife of deceased teacher has come up for permitting her to get the benefit of pension on switching over from Contributory Provident Fund to General Provident Fund-cum-gratuity including pension. Learned advocate representing the petitioner submits that previously a writ petition was filed by the husband of the petitioner being W.P.A. 10165 of 2005 and the same was disposed of *vide* order dated 11<sup>th</sup> August, 2005 by a Co-ordinate Bench directing the concerned District Inspector of Schools (S.E.), Bankura to take decision regarding prayer of the husband of the petitioner to switch over from CPF to GPF. However, no steps were taken by the concerned District Inspector of Schools (S.E.), Bankura in terms of the order dated 11<sup>th</sup> August, 2005 as it has been submitted on behalf of the petitioner. Husband of the

petitioner died on 20<sup>th</sup> June, 2008. Now the wife claims for switching over from CPF to GPF.

Prayer of the petitioner is opposed by the learned advocate representing State respondents on the ground of delay since order was passed by the Co-ordinate Bench on 11<sup>th</sup> August, 2005 on a writ petition being W.P.A. 10165 of 2005 and thereafter husband died on 20<sup>th</sup> June, 2008 and after a period of 15 years present writ petition is filed in the year 2023.

On analyzing the chronological facts, this court finds that the writ petition preferred by the husband of the petitioner was disposed of on 11<sup>th</sup> August, 2005 directing the concerned District Inspector of Schools (S.E.), Bankura to take decision on the prayer to switch over from CPF to GPF within a period of four weeks. If decision was not taken within the specified time in terms of the order dated 11<sup>th</sup> August, 2005, it was open to the husband of the petitioner to take necessary steps. However, from the writ petition it is not found whether any step was taken or not. Subsequently, husband of the petitioner died on 20<sup>th</sup> June, 2008 and the present writ petition had been filed precisely 15 years thereafter on 27<sup>th</sup> September, 2023. There is no plausible explanation for delay in approaching this court after 15 years. In addition thereto last opportunity was granted to the retired teachers for exercising option to switch over from CPF to GPF was in terms of Government notification

dated 13<sup>th</sup> June, 2014 which was issued in terms of the judgment of the Hon'ble Special Bench dated 16<sup>th</sup> July, 2013 passed on intra-court appeal being A.P.O No.94 of 2009 (*State of West Bengal & Ors. v. Abhijit Baidya & Ors*). In terms of the said notification dated 13<sup>th</sup> June, 2014 three months period was granted to the retired teachers to exercise option and such opportunity was confined to the pensioners only.

In view of the aforesaid situation, at this belated stage, no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**