

04.01.2024
Item No. 68
Ct. No. 238
AKG

WPA 26150 of 2017

Smt. Sumana Bhattacharya
Vs.
The State of West Bengal & Ors.

Mr. Victor Chatterjee, Mr. Tirthankar Nandi	...for the Petitioner
Mr. Suman Basu, Ms. Ananya Roy	...for Respondent No. 2
Ms. Rama Halder	...for the State
Mr. Probal Kr. Mukherjee, Mr. Suhrid Sur	...for Respondent Nos. 4 & 5.

Let the affidavit in opposition filed by the college be kept with the records.

The writ petitioner has challenged a communication dated September 7, 2016, issued by the Deputy Secretary to the Government of West Bengal, Higher Education Department, whereby her prayer for shifting from Contributory Provident Fund (in short 'CPF') scheme to General Provident Fund (in short 'GPF') scheme was not allowed.

Mr. Victor Chatterjee, learned advocate appearing for the petitioner submits that the college itself treated the petitioner to be under GPF scheme, which is apparent from the claimed gratuity amount of Rs. 6 lakh as mentioned in the forwarding letter dated September 12, 2015, issued by the Teacher-in-

Charge of the College. Mr. Chatterjee submits that under the CPF scheme, the gratuity amount is 1 lakh. Therefore, it is clear that the college had treated the petitioner to under the GPF scheme.

Mr. Chatterjee submits that the petitioner should be allowed to switch over from CPF to GPF scheme upon refund of the State share with interest.

On the other hand, it has been submitted by the college that Rs. 6 lakh as gratuity amount was incorrectly mentioned in the letter dated September 7, 2016, the amount should have been Rs. 1 lakh. It has further been submitted that despite giving repeated opportunities to the petitioner to switch over from CPF to GPF, the petitioner consciously retained her option to remain under the CPF scheme.

I am of the view that the petitioner cannot be allowed to switch over from CPF to GPF at this juncture.

It cannot be disputed that from the inception, the petitioner was under the CPF scheme. During her service tenure, at least twice, the petitioner was given opportunity to switch over from CPF to GPF. The petitioner did not avail the opportunities. The plea of ignorance of the petitioner as to the relevant government circulars for switching over from CPF to GPF cannot be accepted. It appears that in the same

college, many teachers contemporaneously switched from CPF to GPF.

It is also apparent from the communication letter dated September 12, 2015, itself that at the time of retirement, the relevant documents were submitted by the college before the State for releasing CPF and gratuity in favour of the petitioner.

Therefore, I cannot accept the submission of the petitioner that the college treated the petitioner to be under the GPF scheme.

I am of the view that the petitioner failed to avail the opportunity to shift from CPF to GPF scheme during her service tenure despite repeated opportunities being provided to her. After her retirement, the petitioner cannot be allowed to opt for such conversion.

Accordingly, **WPA 26150 of 2017** is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)