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17.01.2025
Ct. No. 18
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W.P.A. 30761 of 2024

**Mangala Bhattacharya
Vs.
The State of West Bengal & Ors.**

Mr. Asim Hati
Ms. Sreetoma Neogi
Ms. Nandini Sharma
Mr. Antariksha Karmakar
...for the Petitioner

Mr. Saugata Mitra
Mr. Nikhil Kr. Gupta
...for the State

A communication dated 9th January, 2025 issued by the District Inspector of Schools (SE), Hooghly is placed before this Court and same is taken on record.

On perusal of the said communication dated 9th January, 2025 it appears that the assistant teacher died on 17th July, 1981 and the said teacher was under the Contributory Provident Fund Scheme. It further appears that on settlement of dues which was payable due to death of the teacher same was paid to one Shyamal Bhattacharya.

By presenting this writ petition prayer is made for payment of family pension since teacher died on 17th July, 1981. After the death of the teacher on 17th July, 1981 no contemporaneous

steps were taken for sanction of family pension and it is revealed from the communication dated 9th January, 2025 representations were made first in 2022, after more than 40 years.

Since the teacher was under the Contributory Provident Fund Scheme due to death of such teacher family pension is not payable to his wife/daughter. Moreover, in terms of Government notification 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 94 of 2009 (State of West Bengal & Ors. –vs- Abhijit Baidya & Ors.) three months time was given as a last chance to switch over from CPF to GPF. Subsequently, since no extension has been granted by the State authorities for switching over from CPF to GPF prayer of the petitioner for sanction of family pension at this belated stage cannot be allowed specially when the teacher died on 17th July, 1981.

Hence, the writ petitioner stands dismissed.

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

(Saugata Bhattacharyya, J.)