

S/L 31 to 33
27.08.2025
Court. No. 19
Suwayan

WPA 33771 of 2014

**Pralay Kumar Sengupta
Vs.
The Union of India & Ors.**

With

WPA 33773 of 2014

**Tapan Kumar Guchait
Vs.
The Union of India & Ors.**

With

WPA 33782 of 2014

**Sri Gopi Das
Vs.
The Union of India & Ors.**

*Mr. Sarothi Dasgupta
Mr. Mainak Ganguly*

...for the petitioner.

*Mr. R. N. Majumder
Mr. S. M. Obaidullah
Mr. R. Chowdhury*

...for I.I.T.

1. Though in today's supplementary daily list WPA 33771 of 2014, WPA 33773 of 2014 and WPA 33782 of 2014 are listed in a tagged manner, however, on perusal of the entire file of WPA 33771 of 2014, this Court finds no previous order of tagging.
2. On being asked by this Court, learned advocates for the contending parties could not show any order regarding tagging of all the three writ petitions.
3. In view of such, WPA 33771 of 2014, WPA 33773 of 2014 and WPA 33782 of 2014 are detagged.

4. A.C.O. is directed to show pendency of WPA 33773 of 2014 and WPA 33782 of 2014 during subsequent listing of those cases in separate manner.

In Re: WPA 33771 of 2014

1. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities commanding them to allow the writ petitioner's application for conversion from Contributory Provident Fund cum Gratuity Scheme to General Provident Fund Pension cum Gratuity Scheme (hereinafter referred to as 'CPF to GPF' respectively in short).
2. At the time of hearing Mr. Dasgupta, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page no. 27 of the instant writ petition being a copy of the memo dated 19.08.2010 as issued by the respondent no. 5/authority whereby and whereunder it was intimated to all concerned that pursuant to the decision taken by the Board of Governors at its 165th meeting held on 17.06.2010 that those faculty and staff members who joined IIT, Kharagpur before 01.01.2004 and would be able to submit a proof of their having submitted option for changeover from CPF/CPG to GPF and their cases have not been considered due to administrative lapses would be examined on case to case basis and the conversion as prayed for would be allowed.
3. It is further submitted by Mr. Dasgupta in the later part of the said memo dated 19.08.2010 it was further

indicated that the faculty and the staff members of the IIT, Kharagpur who are not in a position to submit any proof of their having opted for the same, their request for conversion may be brought to the Board for review and decision.

4. At this juncture, Mr. Dasgupta in his usual fairness submits before this Court that though it is the specific case of the writ petitioner that the writ petitioner made an application for changeover from CPF to GPF in the year 1997 but at present the writ petitioner do not possess any document to substantiate the same.
5. At this juncture, Mr. Dasgupta draws attention of this Court to page no. 28 of the instant writ petition being a copy of the letter dated 23.08.2010 as claimed to have been submitted by the writ petitioner under cover of which the said writ petitioner intimated the respondent no. 5/authority that he had applied for changeover from CPF to GPF on 31.07.1997, however, the same was not dealt with by the respondent no. 5/authority and accordingly he once again requested the respondent no. 5/authority to consider his prayer for changeover from CPF to GPF.
6. It is submitted by Mr. Dasgupta that the said letter dated 23.08.2010 as submitted by the writ petitioner comes under the category of the later part of the relevant memo dated 19.10.2010.
7. At this juncture, Mr. Dasgupta took me to page no. 29A of the instant writ petition. It is submitted by Mr. Dasgupta that page no. 29A of the instant writ petition

is a copy of the receipt register as maintained by the IIT, Kharagpur wherefrom it would reveal that the respondent no. 5/authority has received a letter from the writ petitioner. It is further submitted by Mr. Dasgupta that it is the specific case of the writ petitioner that the entry in the relevant page of the receipted register a copy of which has been annexed at page no. 29A of the instant writ petition clearly shows receipt of the letter dated 23.08.2010 by the office of the respondent no. 5/authority as written by the writ petitioner. It is thus submitted that by no stretch of imagination it can be said that the writ petitioner is unsuccessful in proving submission of the letter dated 23.08.2010 with the respondent no. 5/authority.

8. Drawing attention to paragraph nos. 14 and 15 of the affidavit-in-opposition as filed on behalf of the respondent nos. 2 to 6 it is argued by Mr. Dasgupta that in paragraph no. 14 of the said affidavit-in-opposition the respondents/authorities have made a evasive denial with regard to the positive assertion as made by the writ petitioner regarding submission of his letter dated 23.08.2010. It is thus submitted by Mr. Dasgupta that in view of such evasive denial and in view of furnishing of proof of submission of the letter dated 23.08.2010 there cannot be any predicament on the part of this Court to issue appropriate writ/writs against the respondents/authorities to consider the prayer of the writ petitioner for changeover that is from CPF to GPF as made by the writ petitioner herein.

9. Per contra, Mr. Majumder, learned advocate appearing on behalf of the respondents, however, contended that in the instant writ petition none of the writ petitioner could be able to prove that pursuant to issuance of the memo dated 14.08.2010 the petitioner has submitted any application whatsoever for changeover that is from CPF to GPF. Mr. Majumder further contended that in the affidavit-in-opposition as filed in the instant writ petition such assertion of the writ petitioner has been specifically denied.
10. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties it reveals that admittedly by issuance of memo dated 19.10.2010 the respondent no. 5/authority intimated all faculty members as well as the staff members of the IIT, Kharagpur that the faculty and staff members who would not be in a position to submit any proof of their having opted for the same (application for changeover from CPF to GPF) their request for consideration may be brought to the board for review and decision.
11. It appears to this Court that it is the case of the writ petitioner that the petitioner submitted his claim for changeover under cover of his letter dated 28.08.2010.
12. It appears to this Court that no receipted copy of such letter is annexed with the instant writ petition and on the contrary a paper claim to have been a portion of the receipted register of the IIT, Kharagpur has been annexed with the instant writ petition.

13. This Court has meticulously gone through page no. 29A of the writ petition over which much reliance was placed by Mr. Dasgupta. It appears to this Court that the said page no. 29A does not bear any signature or seal of any official of the IIT, Kharagpur. Admittedly in such piece of paper there are some endorsements including the name of the writ petitioner, however, by the side of that endorsement there is no signature and seal of any official of IIT, Kharagpur as wrongly claimed on behalf of the writ petitioner.
14. In view of such, this Court is constrained to hold that the writ petitioner has miserably failed to produce any scrap of paper to substantiate his claim that pursuant to the memo dated 19.08.2010 he has again submitted an application for changeover from CPF to GPF under cover of his letter dated 28.08.2010.
15. This Court thus considers that in the instant writ petition the writ petitioner has miserably failed to discharge his primary burden to prove his case even *prima facie*.
16. The instant writ petition being WPA 33771 of 2014 is devoid of any merit and is hereby dismissed.
17. However, there shall be no order as to costs.
18. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)