

The

Kolkata **Gazette**
सत्यमेव जयते
Extraordinary
Published by Authority

JYAISTHA 23]

FRIDAY, JUNE 13, 2014

[SAKA 1936

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
School Education Department, Law Branch
Bikash Bhawan, Salt Lake City, Kolkata-700091

NOTIFICATION

No. 749-SE (L)/SL/5S-56/13(Pt-V)

Kolkata, the 13th June, 2014.

1. Whereas by a judgment and order dated 16.07.2013 the Hon'ble Special Bench of the Hon'ble High Court at Calcutta was pleased to dispose of APO No.94 of 2009 (State of West Bengal & Ors. Vs. Abhijit Baidya & Ors.)(which was heard alongwith other analogous matters) with the following directions-

“(76) We direct the State Government to give opportunity to all the petitioners and other employees similarly situated to submit option to switch- over to Pension-cum-Gratuity by issuing public notice in at least four newspapers having wide circulation in this State. Three months' time period be given to them to exercise option and let the amount be specified to each and every employee who elects to switch over to Pension-cum-Gratuity to deposit the amount of employer's share of contribution with interest and additional interest which is required to be refunded to the Government within the period specified.

(77) If an employee exercises option, he shall be entitled to Pension-cum-Gratuity in accordance with law with effect from the date refund is made.”

2. And Whereas the Special Leave Petition being SLP(C) No.682 of 2014 filed by the State Government challenging the judgment and order dated July 16, 2013 passed by the Hon'ble Special Bench has been dismissed by the Hon'ble Supreme Court of India on 24.02.2014.

3. Now Therefore, the Governor is pleased to issue public notice with the following terms and conditions:-

- (i) Three months time period shall be given to the teaching and non-teaching staff of recognized non- government aided educational institutions whether in service or retired, (hereinafter referred to as the “said employees”) to switch over to Pension-cum-Gratuity Scheme under the West Bengal Recognized Non-Government Educational Institutions (Death-cum-Retirement Benefit) Scheme, 1981.
- (ii) The said employees shall exercise their options in the prescribed form and submit the same to the Headmaster/Headmistress/Teacher-in-Charge/ in case of Secondary Schools (hereinafter referred

to as the said Head of the Institution), to the Sub-Inspector of Schools in case of Primary Schools, as the case may be, within 3 months from the first date of publication of the said public notice in newspapers. In case of schools already abolished or derecognized, the option shall be submitted to District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division, as the case may be. However, in case of amalgamated schools, the said employees shall submit option to the said Head of the Institution of the school with which the erstwhile school has been amalgamated or to the said Head of the Institution to which he was shifted. The said Head of the Institution shall submit his option to the Secretary or Administrator or DDO of the school (**hereinafter referred to as the Secretary**). The received copy of the said option is to be submitted to the District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division within 15 days from the date of exercise of such option.

- (iii) The said Head of the Institution/Sub-Inspector of Schools/Secretary, as the case may be, on receipt of option shall accept and countersign the same with full signature, Designation and date with seal of the office. In case of schools already abolished or derecognized, the concerned District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division shall discharge the function of the said Head of the Institution as specified in clause 3 (ii) above.
- (iv) Thereafter, the said Head of the Institution/Sub-Inspector of Schools/Secretary, as the case may be, shall prepare and submit Statement in duplicate showing the amount of Employer's Share of Contributory Provident Fund (hereinafter referred to as "CPF") with simple interest @ 8.7% and additional interest @ 3.3% (to be calculated from the date of receipt of CPF by such employee) up to the date of exercise of the said option, within 15 days from the date of receipt of the option from the employees to the office of the concerned District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division/District Primary School Council as the case may be. One copy of original Statement shall be kept In the school/office of the Sub-Inspector of Schools.
- (v) The office of the concerned District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division/District Primary School Council as the case may be, shall verify the original Statements showing the amount of Employer's Share of CPF with interest and additional interest up to the date of exercise of the said option within 15 days from the date of receipt of the same from Head of the Institution/Sub-Inspector of Schools/Secretary as the case may be, and return the original Statement verified and duly checked to the said employees through Head of the Institution/Sub-Inspector of Schools/Secretary within 15 days from the date of such communication.
- (vi) Thereafter the said employees shall have to deposit the said specified amount of employer's share of CPF with interest and additional interest to the Government Treasury by way of Treasury Challan through the concerned District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division/Sub-Inspector of Schools as, the case may be, within 7 days from the date of receipt of verified Statement.
- (vii) Those who have already deposited their Employer's share of CPF without verification of the competent authority of the School Education Department, are also required to prepare and submit Statement in duplicate through the said Head of the Institution/Sub-Inspector of Schools/Secretary as the case may be, showing the amount of Employer's Share of CPF with interest and additional interest to the District Inspector of Schools/Additional District Inspector of Schools/Assistant Inspector of Schools in charge of the Sub-Division/District Primary School Council for verification and will be required to further refund additional amount of Employer's share of CPF or interest with additional interest or both outstanding Employer's share of CPF and interest with additional interest, as the case may be, if required.
- (viii) Thereafter the employees who have already retired from service on superannuation or whose tenure of service remains less than 15 months shall submit pension papers with original Challan for refund of employer's share of CPF to the office of the District Inspector of Schools within 8 days and further processing of their pension cases will be done as per provisions of G.O. N0.88-SE (B) dated 26.05.1998.
- (ix) Thereafter the District Inspector of Schools, within 15 days, shall send the pension papers to the office of the Director of Pension Provident Fund and Group Insurance, West Bengal after getting

those verified by the concerned Deputy Director of Accounts/Joint Director of Accounts or Controller of Finance, as the case may be.

- (x) The Director of Pension Provident Fund and Group Insurance, West Bengal shall issue Pension Payment Orders in respect of those who have already retired. The said employees shall be entitled to pension in accordance with law with effect from the date refund is made as per direction of the Hon'ble High Court.
- (xi) Employer's share of CPF shall be discontinued from the month following the month of option exercised to the effect of this notification in those cases where employees are still in service on the date of exercise of option.
- (xii) The Commissioner of School Education and the Director of Pension Provident Fund and Group Insurance, West Bengal shall monitor the entire exercise for compliance of the order of the Hon'ble High Court at Calcutta and shall submit regular progress report to the Finance Department and the School Education Department.
- (xiii) As per provisions as laid down under para 3 of the West Bengal Recognized Non-Government Educational Institutions (Death-cum-Retirement Benefit) Scheme, 1981, the employees of the D.A getting schools whether retired or in service shall not come under this Notification.
- (xiv) This issues with the concurrence of the Finance Department under their U.O. No. 569 Group-P (Pay) Dated 08.05.2014.

By order of the Governor,

ARNABROY

Secy. to the Govt. of West Bengal.

FORMAT FOR OPTION

[In terms of the order dated 16.07.2013 passed by the Hon'ble Larger Bench, High Court at Calcutta in APO No.94 of 2009]

(1) I, Sri/Smt/ _____ retired/working Assistant Teacher/Assistant Headmaster/Headmistress/Non-Teaching Staff/Headmaster/Head Teacher of (Name of the school with address) _____ want to switch over to Pension including family Pension-cum Gratuity under West Bengal Recognized Non-Government Institutions (Death-cum-Retirement Benefit) Scheme, 1981 as per the judgement and order dated 16.07.2013 passed in APO No.94 of 2009 (State of West Bengal & Ors.-Vs- Abhijit Baidya & Ors.) (Which was heard along with other analogous matters).

I declare that I shall be entitled to pension only from the date on which I refund employer's share of Contributory Provident Fund with interest and additional interest to Government Account in terms of notification no. _____ dt. _____.

- I retired on superannuation from service on _____.
- I received Employer's share of CPF Rs. _____ on _____.
- I received Gratuity Rs. _____ in terms of PPO No. _____ Under Memo No. _____ Date _____.
- I did not receive Gratuity till date.

Signature _____

Name of incumbent (CAPITAL LETTERS)

Date _____

Signature _____

Name of the accepting authority (CAPITAL LETTERS)

Designation _____

Date _____

Office Seal

- **Strike out which is not applicable**

 (2) Received one copy of option in original from Sri/Smt. _____ retired /working Assistant Teacher/Assistant Headmaster/Headmistress/Non-Teaching Staff/Headmaster/Head Teacher of _____ school having address at _____ who opts to switch over to Pension including Family Pension-cum-Gratuity under West Bengal Recognized Non-Government Institutions (Death-cum-Retirement Benefit) Scheme, 1981 in terms of the order dated 16.07.2013 passed by the Hon'ble Larger Bench, High Court at Calcutta in APO No.94 of 2009 (State of West Bengal & Ors.-Vs.- Abhijit Baidya & Ors.)(Which was heard alongwith other analogous matters).

Signature _____

Name of the accepting authority _____ (CAPITAL LETTERS)

Date _____ Designation _____ Official Seal _____