

**Govt. of West Bengal**  
**Directorate of Madrasah Education**  
**Bikash Bhavan (2<sup>nd</sup> floor), South Block, Salt Lake City, Kolkata – 700 091**  
**Phone : 033- 2337-1319**

Memo No. : 1831(21)-ME/DME/L-1138/2013

Date : 20.08.2014

From : Director of Madrasah Education, W.B.

To : The District Inspector of Schools (SE), / Addl. District Inspector of  
Schools (SE), (all) ..... P.O. ....  
District : .....

Sub : Conversion of Option from CPF to GPF in terms of solemn  
order and judgment dated 16.07.2013 passed by the Hon'ble  
Special Bench, High Court at Calcutta in APO no. 94 of 2009  
[State of West Bengal & ors. – Vs. – Abhijit Baidya & Ors.]  
(which was heard along with other analogous matters).

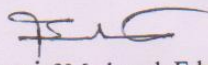
Ref : MA & ME Department's Memo No. 1877-MD dated 20.08.2014

With reference to above noted subject, he is informed that the Government in the  
Minority Affairs and Madrasah Education Department, W.B., issued notification being 1877-  
MD dated 20.08.2014 for conversion of Option from CPF to GPF in terms of solemn order and  
judgment dated 16.07.2013 passed by the Hon'ble Special Bench, High Court at Calcutta in  
APO no. 94 of 2009 [State of West Bengal & ors. – Vs. – Abhijit Baidya & Ors.] (which was  
heard along with other analogous matters) for the teaching and non-teaching staff (both in  
service and retired) of non-Govt. aided recognized Madrasahs.

O/c  
He is, therefore, instructed to take appropriate steps in terms of the aforesaid notification.

Copy of the gazette notification will be available in the website of Directorate of  
Madrasah Education at [www.wbmadrasahdte.gov.in](http://www.wbmadrasahdte.gov.in) very shortly. A public notice in various  
dailies will also be published in due course.

The concerned District Inspector of Schools (SE), / Addl. District Inspector of Schools  
(SE) are hereby instructed to process the pension papers by giving topmost priority and on  
emergent basis to those incumbents who are party to the aforesaid proceedings before the  
Special Bench of Hon'ble High Court at Calcutta.

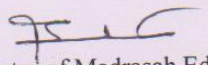
  
Director of Madrasah Education, W.B.

Memo No. : 1831(21)/1(1)-ME

Date : 20.08.2014

Copy forwarded for information and necessary instruction to :

1. The Director, Pension, Provident Fund & Group Insurance, West Bengal, Purta Bhavan, Salt  
Lake, City, Kolkata – 91, with a request to issue PPO on emergent basis to those who are  
party to the proceedings before Special Bench, Hon'ble High Court at Calcutta by giving  
topmost priority.

  
Director of Madrasah Education, W.B.



Government of West Bengal  
**Minority Affairs & Madrasah Education Department**  
"Nabanna", 325, Sarat Chatterjee Street, Howrah-711102

**NOTIFICATION**

No. 1877-MD

dated. 20-08-2014

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 & Org. Vs Abhijit Baidya & Org.) 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 month's time period be given to them to exercise option and let the amount be specified to each and every employees 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 recognised 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 Recognised Non-Government Educational Institutions (Death-cum-Retirement Benefit) Scheme, 1981.

ii. The said employees shall exercise their option in the prescribed form and submit the same to the Headmaster/Headmistress/Teacher-in-Charge/Superintendent in case of Junior High, High and Senior Madrasahs (hereinafter referred to as the said Head of the Institutions), as the case may be, within 3 months from the first date of publication of the



said public notice in newspaper. In case of Madrasahs already abolished or de-recognised, 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 Madrasahs, the said employees shall submit option to the said Head of the Institutions of the Madrasahs with which the erstwhile Madrasah 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 Madrasah (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 Madrasahs already abolished or derecognised, 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 employees) 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 as the case may be. One copy of original Statement shall be kept in the Madrasah/office of the District-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 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/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, 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, are also required to prepare and submit Statement in duplicate through the said Head of the Institution/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 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. No. 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 Order 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.

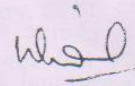
xii. The Director of Madrasah Education and the Director of Pension Provident Fund and Group Insurance, West Bengal shall monitor the entire exercise for compliance of the

order of the Hon'ble High Court at Calcutta and shall submit regular progress report to the Finance Department and the Minority Affairs & Madrasah Education Department.

xiii. As per provisions as laid down under para 3 of the West Bengal Recognised Non-Government Educational Institutions (Death-cum-Retirement Benefit) Scheme, 1981, the employees of the D.A getting Madrasahs whether retired or in service shall not come under this Notification.

xiv. This Notification issues with the concurrences of the Finance Department under their U.O. No. 894-Group-P(Pay) dated 08-08-14.

By order of the Governor



(Md. Sahidul Islam)

Secy. to the Govt. of West Bengal



### FORMAT OF 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 Madrasah with address)\_\_\_\_\_ want to switch-over to Pension including family Pension-cum-Gratuity under West Bengal Recognised 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 & Org. Vs Abhijit Baidya & Org.).

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. \_\_\_\_\_ dated \_\_\_\_\_.

- 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 \_\_\_\_\_ Madrasah having address at \_\_\_\_\_ who opts to switch-over to Pension including Family Pension-cum-Gratuity under West Bengal Recognised 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 & Org. Vs Abhijit Baidya & Org.) (Which was heard alongwith other analogous matters).

Signature \_\_\_\_\_

Name of the accepting authority (CAPITAL LETTERS)

Date \_\_\_\_\_ Designation \_\_\_\_\_ Office Seal \_\_\_\_\_