

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) NO.158 of 2021

Smt. Asima Bhattacharya, W/O- Late Tripurendra Bhowmik, resident of Ramnagar Road No.2, P.O. Ramnagar, P.S. West Agartala, District – West Tripura, Pin – 799002.

..... Petitioner(s)

V E R S U S

1. The Zonal Manager, State Bank of India, Central Pension Processing Centre, Guwahati, 1st Floor, Zonal Office, G.S. Road, Bhangagarh, Guwahati, District – Kamrup, State – Assam, Pin – 781005.

2. The Branch Manager, SBI, Agartala Branch, Melarmath, Agartala, West Tripura, Pin – 799001.

3. The Accountant General (A&E), Tripura, Kunjaban, Agartala, District – West Tripura, Pin-799006.

4. The Treasury Officer, Agartala Treasury No. 1, Govt. of Tripura, Agartala, West Tripura, Pin – 799001.

..... Respondent(s)

For Petitioner(s) : Mr. S. K. Deb, Sr. Advocate,
Mr. P.K. Pal, Advocate,
Mr. S. Datta, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, DSGI,
Mr. P. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

JUDGMENT & ORDER (ORAL)

Date of hearing and Judgment : 20.01.2023.

Heard Mr. S. K. Deb, learned senior counsel assisted by Mr. S. Datta and Mr. P.K. Pal, learned counsel appearing for the petitioner and also heard Mr. B. Majumder, learned Deputy SGI appearing for the respondent No.3, as well as Mr. P. Saha, learned counsel appearing for the respondent Nos. 1 and 2. No representation is made on behalf of the respondent No. 3.

[2] The present appeal has been filed by the petitioner under Article 226 of the Constitution of India to release the arrears of the petitioner for the period from 01.03.2002 to 30.04.2015 lying with the respondents No.1 and 2.

[3] Brief facts are as under:

The matter relates to granting of pension to the petitioner. The petitioner retired on superannuation from the post of Assistant Professor (SG), Govt. Music College, Agartala *w.e.f.* 01.03.2002. Her grievance is that there are some mistakes in commutation made by the respondents and the petitioner was continued to be deprived from the actual pension than that her entitlement. Further, on expiry of 15 years from the date of retirement dated 28.02.2017, the respondents No. 1 & 2 continued to deduct the commutation portion of pension @ Rs.705/- per month till date in violation of the provision of the Memorandum dated 25.06.1987 (Annexure-2). Hence, this writ petition.

[4] Learned counsel for the petitioner prayed for the following reliefs:

- (i) Admit the petition;
- (ii) Call for the records.
- (iii) Issue Rule calling upon the respondents to show cause as to why
 - (a) Writ of Mandamus shall not be issued to –
Make re-fixation of pension of the petitioner as per authority letter dated 25.04.2014 issued by respondent No.3, AG, Tripura and to re-make due-drawn statement of such fixation of pension because of less payment of arrears by Rs.3,02,808/- for the period 01-03-2002 to 30-

04-2015 and to pay the said less amount lying pending since 14.-05-2015 with respondent No.2 with compound rate of interest till date of actual payment;

(b) to provide benefits of amended pension as per revised pension Notifications No.F8(1)-FIN(G)/2015 dated 25-06-2015 (Annexure-6) w.e.f. 01.04.2015 to 31.03.2017 and ROP, 2017 (w.e.f. 01-04-2017 to 30th Nov, 2018) and its modifications of ROP-2018 (w.e.f. 01-10-2018 onwards);

(c) Directions upon the respondent Nos. 1 &2 not to deduct any further installments against commutation of pension @Rs.705/- p.m. from the basic pension as the petitioner has completed 15 years as on 28-02-2017 from the date of retirement (01-03-2002) in terms of Memorandum dated 25-06-1987 (Annexure-2 supra) and to refund the entire amount so far deducted @RS.705/- on or after 01-03-2017 as against communication of pension;

AND

(iv) After hearing the parties make the Rules absolute with costs;

AND

(v) In the Interim, the respondents Nos.1 and 2 may be restrained from further deduction @Rs.705/- from the basic monthly pension of the petitioner till disposal of the petition;

vi) Any other relief/ reliefs this Hon'ble Court may find reasonable and justifiable in the facts and circumstances of the case .”

[5] Mr. S. Deb, learned senior counsel appearing for the petitioner submits that re-consideration of commutation needs to be made in this case and further submits that the matter may be disposed of in terms of the order passed by the learned Single Judge of this Court in WP(C) No.859 of 2020 dated 20.07.2021.

[6] On the other hand Mr. P. Saha, learned counsel appearing for the respondents No.1 and 2, contends that during calculation of booster, some discrepancies were found and after re-calculation they have paid an amount of Rs.34,808/- in terms of earlier order of this Court. In this regard,

as an arrears statement, calculation sheet, breakup and bank statement has been submitted.

[7] During the course of argument Mr. S. Deb, learned senior counsel appearing for the petitioner has placed an order dated 20.07.2021 passed by the learned Single Judge this Court in WP(C) No.859 of 2020. This Court after hearing the counsel for the respective parties, dispose of the writ petition with the following directions :

(i) The authorities of the State Bank of India, the respondents No.1 and 2 will take up the matter with the concerned Treasury Officer and verify all the records relating to granting of pension to the petitioner. Both the parties shall examine the entire service records and the claim of the petitioner as ventilated in the writ petition.

(ii) It is further directed that the Treasury Officer and the authorities of the State Bank of India may discuss the issue with the Accountant General, Agartala, Tripura, if necessary.

(iii) The State Bank of India is directed to release the pension after such verification in favour of the petitioner. The entire exercise shall be completed within 4(four) months from the date of receipt of the copy of this order.

(iv) The petitioner is directed to supply a copy of this order to the offices of State Bank of India, the Treasury Officer and the Office of the Accountant General, Agartala, Tripura.

[8] In view of the above observations and directions, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)



सत्यमेव जयते

Dipesh / Munna