

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 823 of 2024

Sri Nanda Kishore Biswas

---Petitioner(s)

Versus

Union of India and 4 Others.

---Respondent(s)

For Petitioner(s)	:	Ms. Papiya Goswami, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

03.04.2025

Heard learned counsel for the parties.

[2] This is a writ petition under article 226 of the constitution of India for seeking the following relief(s):

- i. Issue notice upon the respondents.
- ii. Admit this application.
- iii. Call for relevant records.
- iv. And after hearing the parties, be pleased to pass a specific direction for verification of the service details of the petitioner for reification of his pension in terms of invalid pension rules. Such pension fixation and its periodic revision would be done on notional basis from the date of the retirement till the date of filing of the petition, after which the petitioner may be entitled to actual difference in pension prospectively.
- v. And after hearing the parties, be pleased to set aside quash the orders passed by the respondents on 02/08/2023, 21/07/2023 & 06/09/2023.
- vi. Further praying for issuing directions upon the respondents to resettle the pension of the petitioner.

[3] This is the case of the petitioner that the petitioner entered into service as rifleman (RFN) on 20.09.1963 and discharge from service on 01.12.1975 after completion of 12 year regular service. The petitioner joined under 99- APO. The petitioner was discharged from service on Exemplary due to Traumatic symbol in right knee osteoarthritis. During discharge the petitioner was allowed pension under category of 'invalid' pension rules. The petitioner states that before his retirement he

received salary of Rs.205.00 only i.e. in the year 1975. After retirement he was getting pension of Rs.97/- only and an amount of Rs.10/- was commuted. It is the grievance of the petitioner that though the petitioner was allowed invalid pension but he is not getting adequate pension from the respondents after various revisional fixation. The petitioner is at present receiving pension Basic Rs.9000/-, Medical allowance Rs.1000/- and DA Rs.800/- in all the petitioner is getting Rs.10800/- as monthly pension, which ought to have been Rs. 16,800/-. Therefore the petitioner is getting low pension and suffering loss of Rs.6000/- per month. Hence the writ petition.

[4] It is further represented by the counsel for the petitioner that the petitioner is at present 82 years old and suffering from various old aged diseases and unable to move here and there. The petitioner thought that the respondent will settle the dispute after receiving the application but till date they did not settle the dispute. Once they made a reply that they work on the representation. But later on no further development communication was made to the petitioner from the respondent.

[5] On the contrary, learned Deputy SGI appearing for the respondents has submitted before this court that petitioner has no case before this court since they have approached here after long years. Moreover, by way of submitting a counter affidavit filed by the respondents it is also represented before this court that whatever due was pending to the petitioner has already been extended to him and nothing survives for adjudication. He further prayed to dismiss the petition. For ready reference, the relevant context of the counter affidavit filed by the respondents is extracted herein below:

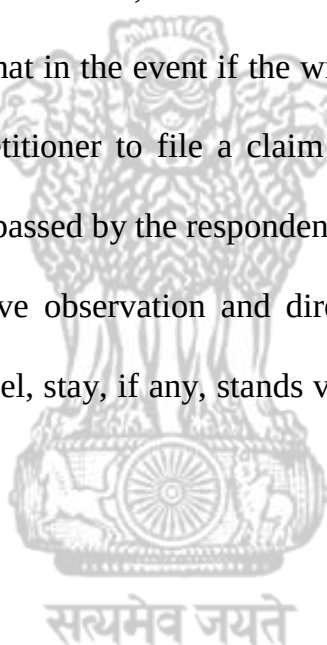
iv. However, his pension on account of implementation of 6th CPC was initially carried out by his Pension Disbursing Authority/Bank at the minimum rate i.e. @ Rs. 3,500/- per month with effect from 01.01.2006. However, as per Office Memorandum No. F.No.38/37/08-P&PW(A) dated 28.01.2013, his pension was to be revised as per serial No. 5 of the annexed Table i.e. @ Rs. 3,665/- per month in the pre-revised pay scale of Rs. 825-15-900- 20-1,200/- (4th Central Pay

Commission), Rs. 2,750-70-3,800-75- 4,400/- (5th Central Pay Commission) and in Pay Band Rs, 5,200- 20,200/- with Grade Pay Rs. 1,800/- as per 6th Central Pay Commission. Therefore, pension of the petitioner has been revised correctly by the Department @ Rs. 3,665/- per month as per 6th Central Pay Commission with effect from 01.01.2006 vide Pension Revision Authority issued vide Pay and Accounts Office Assam Rifles Diary No. PAO/AR/Shill/Pre-06/Rev/2022 dated 12.05.2022. An amount of Rs.11,138/- has already been remitted to the petitioner's bank account on account of arrears of said, revised pension. Subsequent implementation of 7th CPC, his pension was initially fixed as @ Rs. 9,000/- with Dearness Relief @ Rs.2,790/- and Medical Allowance @ Rs.1,000/- (total pension Rs.12,790/-) per month.

[6] In view of the contentions made by Mr. B. Majumder, learned Deputy SGI appearing for the respondents it is apparent that an amount of Rs.11,138/- has already been remitted to the petitioner's bank account of arrears of said revised pension with grade Pay of Rs.1,800/- as per 6th Central pay Commission.

[7] In view of the above, the instant writ petition stands dismissed. However, it is made clear that in the event if the writ petitioner is further aggrieved, liberty is granted to the petitioner to file a claim statement and on receipt of the same, appropriate order be passed by the respondents.

[8] With the above observation and direction, this present writ petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.



JUDGE

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