

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1578 of 2011**

Sushant Kumar Ganguly, aged about 64 years, S/o Late B.K. Ganguly, R/o PO + Village Narrah, District Bankura West Bengal.

---- Petitioner

Versus

1. Sub Area Manager (RGK) SECL Bishrampur Area, PO Bishrampur, District Sarguja, Chhattisgarh PIN 497226
2. Regional Commissioner, Coal Mines Provident Fund, Gupteshwar, Shaktinagar, Jabalpur, Madhya Pradesh.

---- Respondents

For Petitioner	: Shri Gary Mukhopadhyay, Advocate.
For Respondent/SECL	: Shri Vivek Ranjan Tiwari, with Shri Sudeep Agrawal, Advocates.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****22/02/2019**

1. Writ application was filed by the Petitioner when the Respondent authorities of South Eastern Coalfields Limited (SECL) erroneously calculated the pension of the Petitioner under the so-called Coal Mines Pension Scheme under the National Coal Wage Agreement.
2. The Petitioner demanded that his pension ought to be fixed on the basis of the last pay drawn, however, vide order dated 28.10.2009 / 06.11.2009 (Annexure P/1), he was informed that the last month cannot be taken into consideration and it is 10 months notional salary which will form the basis of pension.
3. When the writ application was filed assailing that position, initially an effort was made to justify the said position on what the Company perceived to be

the interpretation for calculation of the monthly pension of a retired employee.

4. The Court is now not required to decide the issue now, keeping in mind that since then the Regional Commissioner, Coal Mines Provident Fund, has clarified this position with the Respondent authorities and the Respondent authorities have themselves issued a letter to one and all that the last month's salary for the purposes of computation of pension is also required to be included.
5. The Company has also made communication as recent as 22.02.2019 with the Manager, Pension/Provident Fund, SECL Headquarters, Bilaspur. This a letter addressed to above authority by the Area Personnel Manager, Bishrampur Area, for appropriate revision in the pension and claim of the present Petitioner.
6. The Court directs that in view of the said communication which is now part of application for taking the documents on record, the said authority i.e. Manager (Pension/Provident Fund) SECL Headquarters, Bilaspur, will the expedite the matter of reworking the pension of the Petitioner in terms of the guidelines including his last month of pay and authorize payment thereof with the arrears, if any, within a period of 8 weeks from today.
7. Any claim for payment of interest due to delay on the part of the respondent-company can be brought before the said authority for consideration, since the reason of non-payment and delay lay at their door.
8. Writ is allowed and disposed off in terms of the above.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice