HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.173/2020

Smti Bakul Dey

----Petitioner(s)

Versus

The State Bank of India & others

-----Respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Advocate, Mr. Kawsik Nath, Advocate.
For Respondent(s)	: Mr. Bidyut Majumder, Asstt. S.G., Mr. Dipankar Sharma, Addl. G.A., Mr. P. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

11/12/2020

The petitioner has raised a grievance of her revised pension not being fixed by applying correct multiplier. According to her, her pension should have been fixed after applying a multiplying factor of 2.57, instead multiplying factor 2.34 was applied. The State Bank of India is an agency which disburses the pension had taken a stand that as per the directives of the Government the revision of pension in case of the petitioner was carried out. On 20.11.2020, therefore, following order was passed:

> "Petitioner is a family pensioner. Her husband retired from Government service prior to 1st January, 2006. He expired on 28th June, 2012. Since then the petitioner is

drawing family pension. According to her, upon the Government of Tripura publishing the *Tripura State Civil Services(Revised Pension)(First Amendment) Rules, 2018* under a notification dated 6th November 2018, her family pension should have been revised by adopting a multiplying factor of 2.57 to her basic family pension fixed in the year 2009. This has admittedly not been done.

The Accountant General of the Government of Tripura has taken a stand that the respondent No.1 State Bank of India is authorized to revise pension of any pensioner upon publication of Government policy. The State Bank of India, though has not filed a reply, has taken a stand that the Bank is only a pension paying authority and in case of a dispute about pension fixation, the Bank has no role to play.

In my opinion, it is the Accountant General of Government of Tripura which has to clarify whether the stand of the petitioner is correct or incorrect. Bank is only a pension disbursing authority and cannot decide any dispute raised by any pensioner about correct pension fixation.

List on ***11th December, 2020***.

The Accountant General shall file an additional affidavit clarifying whether by virtue of the notification dated 6th November, 2018 the petitioner is entitled to revision of pension by adopting multiplying factor of 2.57 to her basic pension of 2009."

2. In response to the said order, the office of the Accountant General, Government of Tripura has filed an affidavit dated 02.12.2020 in which the clear stand taken is as under:

> "(4) That, the Hon'ble Court by its order dated 20/11/2020 directed the Respondent No.5 & 6 to file an additional affidavit clarifying as to whether the writ petitioner by virtue of the notification dated 06th November, 2018 is entitled to revision of pension adopting multiplying factor of 2.57 to her basic pension of 2009. In reply to the same the answering Respondent No.5 states that as per norms in case of any revision of any retired employee, the concerned Department/DDO is to send the Revised Pension proposal alongwith Service Book, Initial Pay Statement (IPS) etc. But in the instant case no such proposal has so far been received by the office of the Respondent No.5. However, from the papers/documents available with the office of the Respondent No.5 as well as the statement made vide para 2 of the writ petition, it appears that husband of the writ petitioner i.e. Lt. Mukunda Ch. Dey Retd. from Govt. service on superannuation on 31/07/1993 from the post of Work Assistant under the PWD Department Govt. of Tripura i.e. prior to 01/01/2006 and expired on 28/06/2012. As such, the writ petitioner is entitled to revision of pension by adopting multiplying factor of 2.57 to her basic pension of 2009 in terms of Rule 3(i) of Govt. of Tripura Finance Department Notification No.F.8(3)-FIN(G)/2017 dated 06/11/2018."

3. Thus the clear stand of the office of A.G. is that the correct multiplying factor for revision of pension of the petitioner is 2.57. Admitted position is that the multiplier adopted in case of the petitioner is 2.34.

4. The State Bank of India is merely an agency disbursing the pension of the petitioner and other similarly situated Government employees. The State Bank of India, therefore, would carry out the clarification issued by the office of the A.G. in the said affidavit relevant portion of which is reproduced hereinabove. The petitioner would be entitled to arrears of pension on such basis from due date. The entire exercise shall be carried out inclusive of payment of arrears within one month from today. If so done, there shall be no direction for payment of interest. However, if the process of payment of arrears or refixation of the pension of the petitioner is delayed beyond the said period of one month, the amounts payable shall carry simple interest @ 7.5% per annum from the expiry of the said period till actual payment.

5. Petition is disposed of accordingly.

Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

Pulak