

OD-28

WPO 1136 of 2016
IA NO: GA/1/2020(Old No:GA/547/2020)
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GAUTAM SEN
VS
THE UNION OF INDIA & ORS

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 17th March, 2021.

Appearance:
Mr. S.P. Chattopadhyay, Adv.
Mr. Rahul Karmakar, Adv.
...for petitioner.
Mr. Saptangsu Basu, Adv.
Mr. Ashok Kumar Jena, Adv.
...for respondent.

The Court : The grievance of the petitioner is directed against illegal and arbitrary reduction of monthly pension by the respondent KOPT. It is submitted on behalf of the petitioner that the petitioner had made a representation dated 28th May, 2015 to the respondent authorities and the same has still not been considered by the said authorities. The petitioner also relies on a judgment of the Hon'ble Apex Court reported in (2015) 4 SCC 334 to assert that the respondent authorities have no right to reduce his pension.

Mr. Basu appears on behalf of the respondent authorities and denies the submissions made on behalf of the petitioner. He submits that whatever steps

have been taken by the respondent authorities are in accordance with law, justified and proper. He also submits that there is inordinate and unexplained delay on the part of the petitioner in approaching this Court.

In view of the submissions made on behalf of the parties, I am of the view that the representation of the petitioner ought to be considered and disposed off by the Senior Accounts Officer, Pension Section of the respondent KOPT authorities. The entire exercise for consideration of the representation of the petitioner ought to be completed within a period of six weeks from date after giving a right of hearing to petitioner and the concerned representatives of the KOPT.

It is needless to mention that nothing in this order will influence the Accounts Manager, Pension on the merits of the case.

It is made clear that till the representation of the petitioner is disposed off, the respondent authorities will not take any steps to initiate fresh proceedings for recovery of their dues from the petitioner. There will be no further recovery of the amounts allegedly due and payable from the petitioner to the respondent till disposal of the representation by the KOPT authorities.

All points are left open to be decided by the aforesaid authority in accordance with law.

With the aforesaid direction, WP 1136 of 2016 is disposed of.

(RAVI KRISHAN KAPUR, J.)