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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4800 of 2022

Kaji Safiul Hassan
Vs.
The State of West Bengal & Ors.

Mr. Himadri Barua,
Mr. Biswajit Das
.... For the petitioner.

Ms. Deblina Chattaraj
... For WBTC

The petitioner, a former employee of Calcutta Tramways Company (1978) Limited (in short, CTC), now known as West Bengal Transport Corporation Limited (in short, WBTC) has claimed that he was entitled to receive Rs.12,00,000/- on account of gratuity being applicable ceiling limit instead of Rs.6,74,413.8 paid to him on his superannuation.

I had called for a report from WBTC. The said report in the form of an affidavit filed in Court today is taken on record.

After perusing the report, I find that WBTC has explained the basis of arriving at Rs.6,74,413.8P which was rounded upto Rs.6,74,413/-. It appears from the said report that the entire length of service and the salary paid to the petitioner from time to time have been taken into consideration while arriving at the said figure. It is,

therefor, evident that the petitioner is not entitled to the maximum amount of gratuity of Rs.12,00,000/- payable to an employee of WBTC at the time of petitioner's retirement. The other prayers made in the writ petition relate to Provident Fund and Pension. With regard to Provident Fund WBTC has given the breakup as the employee's and employer's contribution in the report. The entire amount towards employee's contribution along with employer's contribution and interest has been paid to the petitioner. There is no document produced by the petitioner to show that he has not been paid the amount to which he was entitled to at the time of superannuation towards Provident Fund. So far as pension is concerned the petitioner was under Contributory Provident Fund Scheme (in short, CPF) when he joined the services of CTC. In 2001-2002 when the Pension Scheme was introduced in CTC option was sought for to shift from CPF to General Provident Fund Scheme (in short, GPF). The petitioner has produced no document to show that he had exercised the option to shift from CPF to GPF. The letter by which the petitioner expressed his intention to be ready to go to GPF is dated 2nd June, 2015. This is much after the time period to exercise the option had expired. The petitioner is, therefor, no entitled to the other reliefs, though not specifically claimed. In any event, the report filed by WBTC is complete explanation and suffice the purpose of statement of settlement of retirement dues of

the petitioner as prayed for in prayer (b). No further direction is also necessary in this regard.

The writ petition is, therefor, disposed of accordingly, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)