

06.09.2022.
Item No.17
Court No.550
Saswata

W.P.A. 11116 of 2022

**Ashok Kumar Tewari
Versus
Regional Provident Fund Commissioner-II & Anr.**

Mr. Partha Bhanja Choudhury
Mr. S.K. Singh
Mr. R.K.Dubey

... For the petitioner

Mr. Rajib Roy

...For the respondent nos. 1 & 2

Affidavit of service filed in Court today is kept with the record.

The present writ application has been filed, inter alia, praying for a direction upon the respondent nos. 1 and 2 to make appropriate calculations in respect of the petitioner's pension in terms of Rule 11 (1) of the Employees' Pension Scheme, 1995.

The petitioner was a Member under the Employees Pension Scheme, 1995 and was superannuated on 2nd February, 2020. By letter dated 21st January, 2022 issued by the Assistant Provident Fund Commissioner (Pension) he was provided with the computation as regards monthly pension payable to him. Since the computation was erroneous he had by letter dated 14th February, 2022 objected to the same. In response to the aforesaid, the respondents had, by communication in writing dated 1st April 2022, intimated that two years weightage benefit was given to the petitioner on completion of 20 years of

service. Subsequently, the respondents have, by communication in writing dated 17th May 2022, informed the petitioner that steps are being taken by them to make proper computation with regard to the pension payable to the petitioner.

Mr. Bhanja Chowdhury, Learned advocate appearing in support of the writ application draws the attention of the Court to a letter dated 17th May 2022 issued by the Regional Provident Fund Commissioner, where in it has been, inter alia, observed as follows:

“

In this regard it is intimated that the system calculates the weightage benefit taking the wage ceiling of Rs.6500/- despite being the last pensionable salary above Rs.6500/- and there is no scope for manual insertion of pensionable salary in the system.

However, the instant matter has been forwarded to the Zonal Office, Kolkata/Head Office for necessary guidelines/directions. Upon receipt of the same it will be intimated accordingly.”

He submits that despite making such observation and despite referring the matter to the Zonal office, the authorities have taken no further steps in this regard. He prays for a direction upon the respondents to expeditiously decide the case and disburse the pensionary benefits.

Mr. Rajib Roy, learned advocate representing the respondent nos. 1 and 2 submits that steps are being taken by the authorities. However, he does not admit any of the allegations made in the writ petition.

I have considered the submissions made by the learned advocates for the respective parties. I have considered the materials on record. I am of the view that since Regional Provident Fund Commissioner-II (Pension) has issued a communication dated 17th May 2022, the said authority should bring such communication to a logical conclusion and take appropriate steps for redressal of the petitioner's grievances.

In such circumstances, I direct the respondents to take appropriate steps in terms of their letter dated 17th May 2022 and determine the pensionary benefits as are payable to the petitioner. Such decision must be taken by the respondents within a period of 8 weeks from date. I, however, make it clear that I have not entered into the merits of the claim of the petitioner.

The respondents shall decide the petitioner's claim for pensionary benefits without being influenced by any of the observations made hereinabove.

W.P.A. 11116 of 2022 is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

(*Raja Basu Chowdhury, J.*)