17
12.07.2022
Ct. No.23
pg.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15003 of 2021

Bachhu Singh
Vs.
The State of West Bengal & Ors.

Mr. Goutam Dey
Mr. Dipendu Sarkar
Mr. Kaushal Kumar
… For the petitioner

Ms. Deblina Chattaraj
… For WBTC

The matter has been adjourned from time to time for a simple clarification. This Court wanted to know from the respondents the salary of the petitioner which has been taken into consideration for computing the gratuity in terms of the structured formula under the Payment of Gratuity Act, 1972 and rules framed thereunder. This was required as the petitioner has alleged that he has been paid the gratuity computed on the basis of unrevised scale of pay and not on the basis of the scale of pay which stood enhanced due to grant of Career Advancement Scheme (in short “CAS”).

A photocopy of the chart has been made over to this Court by the learned advocate representing Calcutta Tramways Company (1978) Ltd. (in short “CTC”) now known as West Bengal Transport Corporation Limited (in short “WBTC”) containing two signatures. The said chart is taken on record. It is submitted by the learned advocate representing CTC/WBTC that the chart has been prepared under the guidance of the Chief Accounts Officer of CTC/WBTC.

It appears from the chart that as on 1st January, 2006, the petitioner's basic was revised from Rs.4,200/- to Rs.10,720/-. There has been further revision on 1st July, 2006 and 1st July, 2007. The CAS as appears from the chart was allowed on 1st August, 2007 in terms whereof the revised basic pay of the petitioner was enhanced to Rs.12,040/-. There has been marginal increase in the basic pay on 1st July, 2008. Subsequently on 1st July, 2009, 1st July, 2010, 1st July, 2011, 1st July, 2012, 1st July, 2013 and 1st July, 2014, there has been increments and the petitioner's basic pay was Rs.14,850/- on 1st July, 2014. The petitioner retired on 31st March, 2015. There has been no increment between 1st July, 2014 and 31st March, 2015 as appears from the chart. The last drawn pay as shown in the chart consists of Basic Pay, Grade Pay, Dearness Allowance (in short "DA") (65%) and House Rent Allowance (in short "HRA") (15%). It appears from the sum total of all these heads described as total emoluments is Rs.26,731/-. The basic pay is Rs.11,650/-. However, in the first part of the chart, the revised basic has been shown as Rs.14,850/- comprising of Rs.11,650/- as revised basic and

Rs.3,200/- as grade pay. Under the heading "Calculation of gratuity as per Death-cum-Retirement Benefit Rules" shows that the last pay taken for computation of gratuity is Rs.24,503/- which comprises of basic pay of Rs.11,650/-, grade pay of Rs.3,200/- and Rs.9,653/- as DA (65%). On the basis of such last drawn pay multiplied by 16 years, the gratuity amount has been arrived at Rs.2,26,181.54.

It is, therefor, apparent that the revised basic pay of Rs.14,850/- as on 1st July, 2014 along with DA (65%) has been taken for computing the gratuity amount. It also appears from record that a sum of Rs.2,16,581.54 was paid on account of gratuity on 27th July, 2015. Thus, a sum of Rs.9,600/- (Rs. 2,26,181.54 – Rs.2,16,581.54) has not been paid to the petitioner on account of gratuity even as per the computation of CTC/WBTC.

In the aforesaid facts and circumstances, CTC/WBTC is directed to pay the said sum of Rs.9,600/- along with interest at the rate of 10 per cent per annum from 1st April, 2015 till actual payment thereof. The respondents shall also pay interest on Rs.2,16,581.54 at the same rate of 10 per cent per annum from 1st April, 2015 till 26th July, 2015 since the said sum of Rs.2,16,581.54 fell due on the petitioner's retirement and was actually paid on 27th July, 2015.

This payment has to be made within a period of two months from date.

Nothing further remains to be adjudicated in this writ petition. The same is 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.)