CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI

38 to 44,
46 to 51 & 63
04.07.2023
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<u>WPA 1278 of 2023</u>

Phani Bhusan Roy & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1279 of 2023</u>

Sushanta Acharjee & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1280 of 2023</u>

Ranjit Kumar Shome & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1281 of 2023</u>

Swapan Kumar Chowdhury & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1282 of 2023</u>

Danesh Chakraborty & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1283 of 2023</u>

Mohini Mohan Saha & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1284 of 2023</u>

Sukraj Kumar Basu & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1286 of 2023</u>

Santi Ranjan Saha & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
<u>WPA 1287 of 2023</u>

Tapas Kumar Deb & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With

WPA 1288 of 2023

Swapan Kumar Bhattacharya & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
WPA 1289 of 2023

Pranesh Sarkar & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
WPA 1290 of 2023

Sandip Bhattacharjee & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
WPA 1292 of 2023

Sikha Banik & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.
With
WPA 1337 of 2023

Moumita Barman Kar & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.

Mr. Jagriti Mishra
Mr. D.K. Agarwal
Mr. Subham Gupta
Mr. Debayan Goswami
Mr. Reshab Kumar

...for the petitioners.

Mr. Chitra Bhanu Gupta
Ms. Supriya Singh

...for the respondent nos. 1 to 3.

Fourteen writ petitions are taken up for consideration in presence of the learned advocates representing the petitioners and respondent nos. 1 to 3. Petitioners were employees of Uttarbanga Kshetriya Gramin Bank (for short the "said bank") who retired on superannuation prior to issuance of notification dated 30th November, 2018 whereby in terms of Section 30 read with Section 17(1) of

Regional Rural Banks Act, 1976 one regulation was framed namely Uttarbanga Kshetriya Gramin Bank (Employees') Pension Regulations, 2018 (hereinafter referred to as the "said Regulations of 2018"). The prayers couched in the writ petitions are identical in nature and the petitioners are claiming the benefits of said Regulations, 2018.

The learned advocates representing the petitioners and the respondent nos. 1 to 3 have made elaborate submissions in support of their respective cases.

It emanates from the submissions advanced on behalf of the parties to these writ petitions that prior to introduction of said Regulations of 2018 employees of the said bank were not in receipt of pensionary benefits. The benefit of pension has been introduced upon introduction of the said Rules of 2018.

It has been urged on behalf of the petitioners that as per relevant provisions of said Regulations of 2018 they are entitled to receive the benefit of commutation of pension with effect from 1st April, 2018. It has further been apprised to this Court that pursuant to the relevant provisions of the said Regulations of 2018 as per methodology contained in the regulations for commutation of pension such benefit has been released in favour of the petitioners in the month of February, 2020.

Petitioners have expressed their two fold grievances which are-(i) the amount which has been monthly commuted for lump sum payment towards commutation of pension should have been paid to the petitioners from 1st April, 2018 till February, 2020; (ii) due to delay in releasing the commutation of pension as per the said Regulations of 2018 petitioners are entitled to get interest on commutation of pension.

The learned advocate representing respondent nos. 1 to 3 has strenuously opposed the prayer of the petitioners on the score that petitioners are not entitled to get the monthly commuted amount to be reckoned from 1st April, 2018 in view of release of commutation of pension in favour of the petitioners in the month of February, 2020. According to the respondents in terms of said Regulations of 2018 with effect from 1st April, 2018 calculation was made for release of commutation of pension upon deducting 1/3rd of pension per month and lump sum amount was paid in the month of February, 2020; therefore, if the prayer of the petitioners to make payment of 1/3rd of monthly pension which has been deducted, to the petitioners, which has also been calculated for release of commutation of pension, would result in double payment. However, on claim of the petitioners for payment of interest for causing delay in releasing commutation in favour of the petitioners pursuant to the said Regulations of 2018 this Court does not get any satisfactory answer from the respondents.

Having considered the submissions made on behalf of the respective parties and in consideration of the said Regulations of 2018 it appears that the respondent authorities have made payment of commutation of pension upon making calculation with effect from 1st April, 2018 but the commutation of pension was paid belatedly in the month of February, 2020. However, from facts of the case as presented before this Court it appears previously there was no pension scheme and the same has been introduced upon framing said Regulations of 2018 which were introduced vide notification dated 30th November, 2018.

It is true that there was delay in releasing commutation of pension in favour of the petitioners after issuance of notification dated 30th November, 2018 since commutation of pension was paid in February, 2020; it ought to have been paid just after issuance of the notification dated 30th November, 2018. Therefore, it appears that the petitioners are entitled to get interest on delayed payment of commutation which petitioners were entitled from 1st April, 2018. But at the same time it has to be borne in mind that the relevant notification was issued on 30th November, 2018 not on 1st April, 2018, therefore the period from 1st April, 2018 till 30th November, 2018 needs to be condoned while considering the claim of interest as lodged by the petitioners for delay in releasing commutation of pension.

Accordingly, this Court directs concerned respondent authorities to pay interest @ 8% p.a on commutation of pension which has been released in favour of the petitioners for the period from 1st December, 2018 till 31st January, 2020.

The interest which has been awarded by this Court as aforesaid shall be paid by the concerned respondent authorities within a period of 8 (eight) weeks from the date of communication of this order.

The contention of the petitioners for payment of 1/3rd pension which has been commuted for paying commutation of pension in terms of the said Rules of 2018 cannot be countenanced in view of the fact that the respondent authorities on calculation from 1st April, 2018 in terms of relevant provisions of the said Regulations of 2018 computed commuted value of pension and released the same in the month of February, 2020. If the respondents are fastened with the direction to pay further amount to the extent of 1/3rd of the monthly pension for the period from 1st April, 2018 till January 2020 it will lead to double payment. Therefore, the said prayer relating to payment of 1/3rd of pension right from 1st April, 2018 till January, 2020 is negated.

With the aforesaid observations and directions, the writ petitions stand disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)