02.12.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4504 of 2023

Madhab Chandra Ganguly
-Vs-
The State of West Bengal & Ors.

Mr. Saurav Chaudhuri
... for the petitioner

Ms. Kumkum Das
... for the State

Ms. Deblina Chattaraj
... for the WBTCL

On behalf of Calcutta Tramways Company (1978) Ltd. (in short, 'CTC') now known as West Bengal Transport Corporation Limited (in short, 'WBTCL'), it is submitted that so far as the commuted value of pension commuted by the petitioner on his retirement is concerned, the petitioner is governed by a Memorandum bearing No. 531-WT/TR/0/7T-01/2020 dated 15th February, 2021 and not the Memorandum bearing No. 532-WT/TR/0/7T-01/2020 dated 15th February, 2021 because the petitioner retired prior to 1st January, 2016. It is further submitted by WBTCL that a coordinate Bench in another writ petition being *WPA 12224 of 2023 (Calcutta Tramways Company Pensioners' Association Vs. The State of West Bengal & Ors.)*, in respect of the issue of commuted pension had directed the Principal Secretary, Finance Department, Government of West Bengal to decide on the issue of reinstatement of the commuted value of pension after completion of 15 years from the date of retirement. It is also submitted by WBTCL that the issue is now pending before the Principal Secretary, Finance Department, Government of West Bengal as the same had not been decided.

The Memorandum No. 531-WT/TR/0/7T-01/2020 dated 15th February, 202, which the WBTCL says, is applicable to the petitioner, in Clause 5 thereof has clearly set out the illustrations as to how the commuted value of pension has to be treated. On a bare reading of the illustrations, it is clear that the basic pension, which an employee was drawing prior to 1st January, 2016 has to be multiplied by a multiplier of 2.57 to arrive at his enhanced basic pension value. From out of the said enhanced pension value, the amount which has been commuted has to be deducted to arrive at the monthly disbursal pension amount from 1st January, 2020 as the effect in Clause 3 of the said Memorandum has restricted the payment of enhanced pension before 1st January, 2020.

In the instant case by consent of the parties and keeping in mind the advance age of the petitioner (pensioner), the same methodology as in Memorandum

No. 531-WT/TR/0/7T-01/2020 dated 15th February, 2021 is applied in the petitioner's case.

WBTCL is directed to multiply the pension amount receivable by the petitioner as on 31st December, 2015 with a multiplier of 2.57 to arrive at the basic pension amount. After deducting the commuted value from the basic pension amount, the balance amount should be disbursed by WBTCL to the petitioner on and from 1st January, 2020. The current enhanced pension should be started from the month of January, 2025 and the arrears with interest @ 6% per annum from 1st January, 2020 till November, 2024 shall be paid to the petitioner by 31st March, 2025.

The State is represented. The funds for disbursement of salary and pensionary benefits is allocated by the State. As submitted by WBTCL, the State respondents are directed to provide necessary funds for paying the petitioner his enhanced pensionary benefits. Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

All parties including WBTCL and the State shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

(**Arindam Mukherjee, J**.)