20.11.2024
Sl. No. 28
Ct. No. 23
Srimanta

WPA/18718/2024

Smt. Krishna Paul
-Vs.-
The State of West Bengal & Ors.

Mr. Sujit Saha
...for the petitioner.
Mr. Pantu Deb Roy,
Mr. Panna Lal Bandyopadhyay
...for the State respondents.
Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
...for the CSTC

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

The petitioner as the widow of an employee who died in harness was given compassionate appointment by Calcutta State Transport Corporation (in short, CSTC) on 5th July, 2005 as 'Trainee Conductor-cum-Helper' on contractual basis. The petitioner further says that she was absorbed in the post of 'Helper' in CSTC on regular basis with effect from 13th November, 2009. The petitioner was superannuated on 9th October, 2018. The petitioner also says that she is governed by the General Provident Fund (in short, GPF) Scheme and as such is entitled to pension on having completed the qualifying years of service. The petitioner further says that in view of the provisions of Rule 15 under Chapter IV of the Calcutta

State Transport Corporation Employees' (Death-cum-Retirement Benefit) Regulations, 1990, the period of training of an employee shall be counted as qualifying service for pension provided the employer has been selected and deputed by the appropriate authority.

The petitioner says that since she was given compassionate appointment she was selected and deputed by an appropriate authority on 5th July, 2003 when the petitioner was engaged as 'Trainee Conductor-cum-Helper' on contract basis. In the instant case the petitioner was absorbed vide Memo/order No. 817(44)/CSTC/IE-102/2000-2001 dated 5th July, 2005.

The petitioner therefor had worked between 5th July, 2005 and 30th April, 2019. The petitioner therefor has more than 10 years of service which is qualifying service and as such is entitled to pension.

After hearing the parties and considering the materials-on-record, I find that on a conjoined reading of Regulation 3 under Chapter I with Regulation 15 under Chapter IV the petitioner has the qualifying years of service to get pension. The petitioner was superannuated on 30th April, 2019 and has been, therefor, without pension for more than 5 years. The petitioner having joined after the 1990 when the said Regulation had already been promulgated and as such is covered by the GPF Scheme. In the aforesaid facts and circumstances, the petitioner shall refund any amount receivable by her received on account of provident fund and gratuity which is in excess of the gratuity amount under the scheme with interest at the rate of 6% per annum from the date of receipt of the same till the date of refund. CSTC shall within three weeks from date inform the petitioner the amount with proper break up to be refunded by the petitioner with the computation of interest. CSTC shall pay the petitioner the current pension for the month of December, 2024 payable in the month of January, 2025 on the petitioner refunding the money. The arrears of pension between 1st May, 2019 till November, 2024 shall be paid by 31st March, 2025 with interest at the rate of 6% per annum from the date of such amount falling due till the date of actual payment subject to the petitioner refunding the money.

Nothing further remains to be adjudicated in this writ petition and the same is accordingly disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

All parties are directed to act on the server copy of this order duly downloaded from the official website of Calcutta High Court.

(Arindam Mukherjee, J.)