

05.12.2024
Court No.23
ML – 18
M.H

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 23366 of 2024

**Amal Chandra Das
versus
Union of India & Ors.**

Mr. Ujjal Ray,
Mr. Atreya Chakraborty
.... for the Petitioner.

Mr. Shiv Chandra Prasad,
Ms. Sumita Pal
....for Union of India.

Mr. Subhendu Bandopadhyay,
Ms. Dipanwita Ganguly
....for the Respondent Nos.7 & 8

Affidavit of service is taken on record in Court today.

The petitioner retired from the services of Border Security Force (in short, “BSF”) on 31st May, 2023. The petitioner says that his last drawn pay was Rs.62,200/- which will be apparent from the pay fixation order issued by BSF authorities on 12th December, 2023.

The petitioner, therefor, says that he is entitled to receive the retiral benefits and the pension on the basis of such last drawn pay of Rs.62,200/-. However, while computing the retiral benefits and the pension, the BSF authorities have computed the same by fixing the petitioner’s last drawn pay as Rs.58,600/-. In this process, the petitioner is receiving less pension than he

is to get on actual computation every month. The petitioner has made representations before the BSF authorities but the issue has remained unresolved. The petitioner is seeking appropriate orders directing the BSF authorities to pay the petitioner the pension amount computed in accordance with his last drawn pay of Rs.62,200/-.

On behalf of the respondent nos.1 to 6, it is submitted that the discrepancy as submitted by the petitioner has been noticed by the BSF authorities and appropriate recommendations have been made. The issue is now pending before the respondent no.6, who will do the actual computation upon due verification and to disburse the enhanced pension to the petitioner.

In the aforesaid facts and circumstances, the respondent no.6 is directed to look into the petitioner's grievances regarding the computation of pension on the basis of his last drawn pay of Rs.62,200/- instead of Rs.58,600/- which has been taken as the yardstick for computing the pension and retiral benefits. The respondent no.6 while looking into the anomaly as to the pension shall also take into account the difference, if any, in the retiral benefits paid to the petitioner by computing the same on the basis Rs.58,600/- instead of Rs.62,200/-.

In the event, there is any excess amount payable to the petitioner on account of his retiral benefits taking

into account the last drawn pay to be Rs.62,200/- instead of Rs.58,600/-, the respondent no.6 shall also release such excess amount.

The entire exercise should be completed within a period of 8 weeks from the date. Although the respondent no.6 is represented by an advocate and no further notice is required yet for abundant caution, the petitioner shall serve a copy of this order upon all the respondents by 10th December, 2024.

All parties including the respondent no.6 shall act on the basis of a server copy of this order without insisting upon the production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The writ petition being WPA 23366 of 2024 is accordingly disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)