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AKG

Ct. 238

CPAN 1377 of 2023
in
WPA 10519 of 2018
Dr. Sunil Brahmachari
Vs.
Suvrajyoti Ghosh & Anr.
With
CAN 3/2023 & CAN 4/2023

Mr. Gopal Ch. Ghosh,
Mr. Sayan Sengupta
...for the Petitioner
Mr. Sirsanya Bandopadhyay
...for alleged ContemnorS

The alleged contemnors have filed an affidavit of compliance.

From the report, it appears that a sum of Rs.13,45,558.00/- has been paid as interest on arrear pension, leave salary and gratuity. Regarding interest on commuted value of pension, the State has explained as follows:-

> **"It is pertinent to mention that pensioner is entitled to get only 60% of the basic pension instead of 100% after the payment of the Commuted value of the pension. In this instant case, the Commuted value of the pension had been paid in April 2016 instead of February 2007. Hence the petitioner had been paid 100% of basic Pension for the period from February 2007 to March 2016 instead of 60%. Also, interest on this 100% of the basic Pension had been calculated and disbursed during payment of interest on arrear pension. A deduction of 40% of the Basic pension due to commutation was made for the period from April 2016 to January 2022, i.e. for 70 months, instead of February 2007 to January 2022, i.e. for 180 months. If the commutation value could be paid on 1st February 2007, he would get a total pension of Rs. 69,22,445 in**

> **the period from February 2007 to January 2022. However, due to delayed payment, he got a total pension amounting to Rs. 81,19,829.00 for the period of February 2007 to January 2022. He received an excess amount of Rs. 11,97,384.00 due to delayed payment of the commuted value of pension may cause double payment."**

The same stand has been taken by the university by filing CAN 4/2023.

I am satisfied that the petitioner in the above circumstance was not entitled to any further interest on the commuted value of pension.

Mr. Ghosh submits that the calculation provided by the State is erroneous, though nothing could be demonstrated before this court with regard to the alleged erroneous calculation.

In that view of the matter, I am not inclined to proceed further with its contempt application.

Accordingly, **CPAN 1377 of 2023** is disposed of.

However, I make it clear that if the petitioner is aggrieved by the calculation, he may challenge the calculation in accordance with law.

CAN 3/2023 and CAN 4/2023 are also disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)