24.09.2024
Ct. 23
D/L 3
ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23719 of 2023

Mrinal Kanti Ghosh
-Vs-
State of West Bengal & Ors.

Mr. Manas Kumar Ghosh
Ms. Susmita Dey (Basu)
… for the petitioner
Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee
… for the State

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal
… for the CSTC

A report in the form of an affidavit affirmed by Calcutta State Transport Corporation (in short, 'CSTC') in terms of the order dated 12th August, 2024 is filed in Court today and the same is taken on record.

It appears from paragraph 3 of the said report and various sub-paragraphs thereunder, as to the amount which the petitioner is required to refund with interest for receiving pension under the General Provident Fund Scheme (GPF). As per calculation given, the petitioner, who had retired on 30th September, 2021, became liable to be paid the pension from the month of October, 2021 which would fall due in the month of November, 2021. The amount calculated as per CSTC to be refunded is Rs. 7,99,466/- which includes interest upto 30th November, 2023 @ 6% simple interest per annum. On the other hand, on account of arrears of pension, the CSTC is to pay a principal sum of Rs. 5,68,521/- with accrued interest between November, 2021 and May, 2024 aggregating to a sum of Rs. 46,456/-. The principal sum along with accrued interest upto May, 2024 comes to Rs. 6,14,977/-. The facts and figures as provided by CSTC are not disputed by the petitioner. There is also no dispute that the petitioner had opted for GPF scheme but was inadvertently treated as an employee under Contributory Provident Fund Scheme (CPF). However, the interest payable by CSTC upto 30th September, 2024 as also receivable by CSTC upto the same date is required to be calculated.

The CSTC is directed to calculate the residual interest which is payable by CSTC as also receivable by CSTC from the petitioner on or before 30th September, 2024 and inform the petitioner about the same so that the petitioner can deposit the entire amount payable upto 30th September, 2024 within first few days of October, 2024 so that the arrears of pension along with accrued interest can be paid by CSTC, if possible within the month of October, 2024. The current pension for the month of October, 2024 shall be paid within 10th of November, 2024. The future pension shall be paid month by month by 10th of each succeeding month for which the same falls due. The pension amount obviously will be as per the applicable rules as and when the same falls due.

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

All parties including the CSTC shall act on the basis of the server copy of this order without insisting upon production of a certified copy thereof.

(**Arindam Mukherjee, J**.)