

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 10495 OF 2025

**SHRI BIMAL CHANDRA DAS
VS.
UNION OF INDIA & OTHERS**

For the Petitioner : Mr. Chittapriya Ghosh
Mr. Sabyasachi Roy Chowdhury
Ms. Priyanka Saha

For the UOI : Mr. Rabindra Nath Bag
Mr. Tirthapati Acharyya

Heard on: 06.01.2026

Judgment on: 06.01.2026

SAUGATA BHATTACHARYYA, J:

1) Matter is heard in presence of learned advocates representing the petitioner and Railway Protection Force (RPF).

2) Learned advocate representing the petitioner has submitted that petitioner made out a case in his earlier writ petition being WPA 23948 of 2024 (Shri Bimal Chandra Das Vs. The Union of India & Ors.) that retiral dues of the petitioner was required to be calculated taking note of the fact that petitioner retired from the post of Inspector (Ad hoc) not from the post of Sub-Inspector on 31st January, 2013. It is contended that if petitioner is treated to have retired from the post of Inspector (ad hoc) in that event retiral dues of the petitioner needs to be consolidated and accordingly higher benefits are required to be paid.

3) Writ petition being WPA 23948 of 2024 was disposed of by a coordinate Bench vide order dated 16th December, 2024 wherein four situations were contemplated and directions were accordingly given to take necessary steps in connection with each situation separately.

4) It is submitted by learned advocate representing the petitioner that DFM(IC)/SECR/Raipur, South East Central Railway passed an order dated 8th January, 2025 which is not in consonance with the observations made by the coordinate Bench in order dated 16th December, 2024 on writ petition being WPA 23948 of 2024.

5) Prayer is made for consolidation of retiral dues of the petitioner by treating the petitioner retired from the post of Inspector (ad hoc).

6) Mr. Bag, learned Senior Advocate representing Railway Protection Force has opposed this writ petition and has made submission based on impugned order dated 8th January, 2025. It is submitted that as petitioner was considered to have retired from the post of Sub-Inspector on 31st January, 2013 there was no anomaly in calculating his retrial dues.

7) While considering the case made out in the present writ petition, this Court finds it apt to quote relevant part of the order dated 16th December, 2024 passed by the coordinate Bench in WPA 23948 of 2024:-

“(iii) If the retiral benefits and the pensionery benefits of the petitioner has been computed on the basis of a lower scale of pay, ie., of a Sub-Inspector, the respondent no. 4 shall compute the retiral benefit and the pensionery benefit of the petitioner on the basis of scale of pay applicable on the date of the petitioner’s retirement and direct pay of any additional amount so found due.”

8) Considering aforesaid direction passed by the coordinate Bench it appears that if petitioner is treated to have retired from the post of Sub-Inspector in that event concerned authority is required to compute the retiral and pensionery benefits of the petitioner on the basis of scale of pay applicable on the date of the

petitioner's retirement and if necessary direction is required to be given for payment of additional amount, if found.

9) At first blush it appears that impugned order dated 8th January, 2025 is cryptic one and exercise which was required to be carried out in terms of the order of the coordinate Bench dated 16th December, 2024, is absent.

10) Petitioner may have been treated to have retired from the post of Sub-Inspector but considering the scale of pay applicable to the petitioner detailed computation was required to be disclosed in order to demonstrate whether petitioner was rightly paid retiral dues or some more amount was required to be paid or not. Due to absence of such calculation which is required to be made in terms of the order dated 16th December, 2024 impugned order dated 8th January, 2025 cannot survive.

11) Hence, order dated 8th January, 2025 stands set aside.

12) Senior Divisional Finance Manager, Raipur, South East Central Railway being respondent no. 4 is directed to revisit the issue and pass an appropriate order by eight weeks from date of communication of this order. Decision to be taken by respondent no. 4 shall be communicated to the petitioner by fortnight thereafter.

13) Writ petition stands disposed of.

14) There shall be no order as to costs.

15) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)