

W.P.A. 26022 of 2025

Sri Dilip Kumar Pal
Vs.
Union of India & Ors.

Mr. Bhudeb Chatterjee
...for the Petitioner
Mr. Sounak Bera
Mr. V.P. Agarwal
Mr. Arnab Roy
...for the respondents

1. Matter is heard in presence of the learned advocates representing the petitioner and authorities of Border Security Force being the contesting respondents.
2. Mr. Bhudeb Chatterjee, learned advocate representing the petitioner submits that petitioner took voluntary retirement on 31st July, 2024 and at the time of retirement basic pay of the petitioner was Rs. 60,400/-. It is contended that at the time of fixing pension of the petitioner basic pay of the petitioner was reckoned as Rs. 58,600/- instead of Rs. 60,400/- resulting in release of pension at the lowered rate.
3. Petitioner relies upon pay slip for the month of July, 2024 which is at page 24 of the writ

petition wherein basic pay of the petitioner was recorded as Rs. 60,400/- not Rs. 58,600/-.

4. Petitioner prays for consolidation of pension upon re-fixing his pension based on last basic pay i.e. Rs. 60,400/-.
5. Learned advocate representing respondent authorities submits that on re-fixing basic pay of the petitioner at Rs. 58,600/- no recovery was made from the retiral dues but pension was accordingly fixed.
6. Having considered the respective submissions made on behalf of the parties it appears after permitting the petitioner to receive salary based on basic pay of Rs. 60,400/- why at the time of making fixation of pension basic pay of the petitioner was reckoned as Rs. 58,600/- cannot be deciphered. It appears that unilaterally decision was taken by the concerned respondent authorities to fix pension of the petitioner at the lower rate. As the petitioner received salary based on last basic pay of Rs. 60,400/- as per norms petitioner is entitled to receive pension based on such basic pay of Rs. 60,400/-. However, if authority finds fixation of pay of the petitioner based on basic pay of Rs. 60,400/- was

erroneously made in that event same can be corrected for calculation of retiral dues including pension only. But such abrupt re-fixation of pension behind the back of the petitioner is not countenanced.

7. Hence, Deputy Inspector General, SHQ BSF Raiganj being respondent no. 4 is directed to revisit the issue of fixation of pension of the petitioner considering his last basic pay by 4 (four) weeks from the date of communication of this order.
8. Respondent no. 4 shall grant an opportunity of hearing to the petitioner or his representative and pass a reasoned order same shall be communicated to the petitioner by 10 (ten) days thereafter.
9. Writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)