

04-05. 16.09.2025
Court No.8
(Tanmoy)

FMA/1461/2024
IA No: CAN/1/2025

SRI CHIRA RANJAN BISWAS
VS
FOOD CORPORATION OF INDIA AND ORS.

WITH
FMA/1462/2024
IA NO: CAN/1/2025

SRI CHIRA RANJAN BISWAS
VS
MANAGING DIRECTOR FOOD CORPORATION OF
INDIA AND ORS.

Mr. Bikash Neogi
Mr. Tapan Kumar Rakshit
Mr. Surajit Roy

..for the applicant/appellant/
writ petitioner.

Mr. Kamal Kr. Chattopadhyay
Ms. Rimi Chatterjee
Mr. Tanjir Ali

..for the respondents/FCI.

1. Learned Counsel for the appellant and learned Counsel for the respondent/Food Corporation of India (FCI) are present.

2. As agreed, IA No: CAN/1/2025 in c/w FMA/1462/2024 is taken up first. This application

has been taken out by the appellant seeking, *inter alia*, direction upon the employer/Pension Payment Authority to grant provisional pension. The admitted facts are that the applicant/appellant suffered a punishment of compulsory retirement which was unsuccessfully challenged before the learned Single Judge. This appeal assails the disciplinary proceeding as well as the order of the learned Single Judge.

3. Learned Counsel for the appellant submits that even if the appellant could not succeed in this appeal, he is entitled to get pension arising out of punishment of compulsory retirement. The respondents are not paying him pension and, therefore, a direction may be issued to start the pension at the earliest.

4. Faced with this, learned Counsel for the employer submits that the employer is ready to start pension but only impediment is that the appellant/writ petitioner has not filled up the statutory Form 10D under the relevant Scheme, 1995. It is submitted that if the appellant fulfills the said form, the decision will be taken at appropriate level for releasing pension.

5. Learned Counsel for the appellant/employee urged that there are two types of employees i.e. (i) CDA pattern and (ii) IDA pattern. The appellant belongs to CDA pattern and, therefore, he is not required to fill up Form 10D. However, since it is difficult for him to survive without pension, under protest he is ready to fill up Form 10D and the employer may be directed to issue Pension Payment Order based thereupon.

6. However, the appellant will reserve his right to argue for pension on the basis of the relevant pattern and this *interim* order may not bind the parties for the purpose of deciding their entitlement.

7. Learned Counsel for the employer urged that if Form 10D is filled up even under protest and submitted before the employer, it shall be forwarded to the appropriate Authority for the purpose of releasing the pension within 15 days.

8. In view of the rival stand mentioned hereinabove and considering the document dated August 25, 2014 filed with the affidavit-in-reply, it is clear that the appellant's claims were quantified and the only impediment was that he could not fill up

Form 10D. For ready reference the relevant document is reproduced hereunder:

भारतीय खाद्य निगम क्षेत्र प्रबंधक का कार्यालय सीएसडी डाबग्राम कॉम्प्लेक्स, सिलीगुड़ी - 734004 (प.ब.) दूरभाष : 0353 - 2692135/फैक्स: 0353 - 2692168 ईमेल:- siligwb.fci@nic.in		Annexure "B" BY SPEED POST A/D FOOD CORPORATION OF INDIA OFFICE OF THE AREA MANAGER CSD DABGRAM COMPLEX SILIGURI - 734004 (W.B.) Phone : 0353 - 2692135 Fax : 0353 - 2692168 e-mail :- siligwb.fci@nic.in
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Ref.No. 1068/PF(CRB)/2007

To
Shri Chitra Ranjan Biswas, Ex. AG-III (D),
14-1, Nawab Abdul Latif Street,
Belghoria, Kolkata-56.

Date: 25.08.2014

Sub: Claim towards Family Pension Scheme.

Sir,

Please refer to the copy of Zonal Office Sanction Order No. CPF/ZO(E)/FP/Vol-30/RV-58/Staff-14-13 SO dt. 28.07.14 duly forwarded by this office vide letter of even No. dt. 01.08.14 alongwith Account Payee Cheque No. 904888 dt. 01.08.14 amounting to Rs. 11,45,444/- (Rupees Eleven Lakhs Forty Five Thousand Four Hundred and Forty Four) towards Final Payment of CPF.

Claim in the prescribed proforma has not yet been received towards EPF. However, prescribed proforma (Form 10D) for preferring the said claim is sent herewith (06 copies), with the request to submit the same duly filled in, immediately alongwith the following documents, in 06 copies, for onward submission to ZO (East), FCI, Kolkata.

1. Descriptive Roll.
2. Copy of Compulsory Retirement Order.
3. Nomination form (Revised).
4. Age Proof Certificate in respect of Self & Wife.
5. Joint Photograph of Self & Wife.
6. Family particulars.
7. Declaration of non-drawal of Pension.
8. Proof of Bank Account (PNB/United Bank of India).
9. Latest CPF Account Slip.

Receipt of the above may please be acknowledged.

Yours faithfully

MANAGER (PERS)
FCI, SILIGURI

ENCLO: Form in 06 (Six) copies.

COPY TO:

1. The Asstt. Genl. Manager (CPF), FCI, ZO (E), 10A, Middleton Row, Kol-71.
2. The Asstt. Genl. Manager (Vig./Pension), FCI, RO (WB), 2, Ripon Street, Kol-16.
3. Service Book.

9. Thus, in the interest of justice, we deem it proper to permit the appellant to fill up Form 10D (under protest and subject to final decision of the matter). If such duly filled up Form 10D is submitted by the appellant, the employer shall process it within

15 days and send it to the appropriate Authority for grant of pension on provisional basis. It is made clear that such filling up of Form 10D under protest will not deprive the appellant from his actual right which will be determined finally. The Pension Payment Authority shall make endeavour to release the pension from due date within 30 days from the date of receiving the form from the employer.

10. The application being IA No: CAN/1/2025 in c/w FMA/1462/2024 stands disposed of.

In Re: FMA/1461/2024

IA No: CAN/1/2025

WITH

FMA/1462/2024

11. Learned Counsel for the appellant prayed for and permitted to prepare and file paper books by November 28, 2025.

12. List these matters for “Final Hearing” in the first week of December, 2025.

(Sujoy Paul, J.)

(Smita Das De, J.)