

HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 707 of 2024
Smt. Sharmistha Roy (Saha) Petitioner(s)
Vs
The State Of Tripura & Ors Respondent(s)

For Petitioner(s) : Mr. A. Bhaumik. Advocate.
For Respondent(s) : Mr. D. Bhattacharya, Sr. Advocate.
Mr. M. Debbarma, Addl. G.A.
Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.11.2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl.G.A, appearing for the respondents-State. Mr. D. Bhattacharya, learned Sr. counsel assisted by Mr. S. Saha, learned counsel also present before this court on behalf their respective-respondent(s).

[2] This petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

- i. Issue notice upon the respondents.
- ii. Call for the records from the custody of the respondents.
- iii. Issue rule calling upon the respondents to show cause as to why a writ of certiorari or any other appropriate writ shall not be issued setting aside and quashing the action of recovery initiated by the respondent No.6 pursuant to the letter dated 12.04.2024 issued by the respondent No.4 in furtherance of the order dated 21st September, 2023 (Annexure-6) and the letter dated 6th March, 2024 (Annexure-8) as per statement of Annexure 11 to the writ petition issued by the respondent No.6.

AND

Issue rule calling upon the respondents to show cause as to why a writ of mandamus or any other appropriate writ shall not be issued mandating the respondents to refund the petitioner the amount already deducted from the pension of the petitioner along with interest @ 12% per annum till date of actual payment.

iv. And after hearing the parties, be pleased to make the rule absolute.

AND

In the interim , be pleased to stay any further recovery from the pension payable to the petitioner till disposal of the connected writ petition. "

[3] Mr. A. Bhaumik, learned counsel appearing for the petitioner submits before this court that the petitioner herein receiving family pension of her late husband who worked as an employee under respondent Nos. 1 to 3. Mr. Bhaumik, learned counsel also submits that while the husband of the petitioner was in service the respondent-department had refixed the pay of the petitioner's husband and other similarly situated employees. Thereafter, other similarly situated employees filed writ petition before this Hon'ble Court both learned Hon'ble Single Bench as well as Division Bench held that the order of the refixation is proper but there cannot be any recovery.

[4] Mr. Bhaumik, learned counsel further submits that without any recovery notice the bank has initiated a recovery process from the pension of the pensioner. Thereafter, the petitioner herein submitted an objection letter dated 19.06.2024 addressed to the Branch Manager, Punjab National Bank, Agartala Branch, in reply to this the concerned bank handed over a statement.

[5] Heard and perused the evidence on record.

[6] In view of such circumstances, without expressing any opinion on the merits of the case, this writ petition is disposed of, directing the respondent No.6 to pass a speaking order within 01 (one) month from today. However, it is made clear the refund, if any, made

contrary to law, the same would be made good from the salary of the branch manager of the concerned bank, since, he is the person who is responsible for the acts. Registry is directed to furnish a copy of this order to the respective parties in the course of the day itself.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

