

Ct. 05
Item No.18
28.01.2022
(suvendu)

WPA 939 of 2022

[Via Video Conference]

Sabitri Prasad Goswami
Vs.
The State of West Bengal & Ors.

Mr. Biswajit Mal

.....for the petitioner
Mr. Supriya Chattopadhyay
Ms. Tapati Samanta
.....for the State

The affidavit of service filed today be kept with the record.

The only prayer in the writ petition is a direction on the State respondents to repay the overdrawn amount of Rs. 17893/- to the petitioner along with interest.

According to learned counsel, the petitioner retired as Librarian of the concerned Library on 30.09.2005, the pension payment order issued on 26.09.2008 and the amount of deduction as overdrawn amount is Rs. 17893/-.

After hearing learned counsel including that of the State, the petitioner is squarely covered by the judgment of the Supreme Court in *State of*

Punjab Vs. Rafiq Masih reported in (2015) 4 SCC 334 in para 18 of the said judgment as the recovery was made after the petitioner retired from service. There is however considerable delay in filing of the present writ petition since the petitioner retired in 2005, the PPO was issued in 2008 and the writ petition was filed in 2021. However, since the petitioner has not gained any benefit from the delay in filing the writ petition, the petitioner cannot be deprived of his rightful dues as settled by the Supreme Court.

WPA 939 of 2022 is disposed of with a direction on the concerned respondent, being the respondent no. 3, to pay the amount of Rs. 17893/- to the petitioner along with interest calculated at the rate of 6 % per annum from 26.09.2008 to the date of actual payment.

The respondent should take necessary steps within four weeks from the date of communication of this order.

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

(Moushumi Bhattacharya, J.)