

19.07.2022
Court No.13
Item No.543
AP

WPA 1585 of 2008

**Smt. Niva Sarkar and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Sourav Mitra
Mr. Uttam De
Ms. Jamuna Saha

... For the petitioners.

Mr. Rajendra Chaturvedi

... For the State.

Leave is granted to the advocate-on-record to add the Treasury Officer, Barrackpore, as a party respondent.

Although, large number of prayers have been made in the writ petition, across the bar, counsel for the petitioners only prays for refund of overdrawn amount as reflected in the pension payment order dated 25th May, 2004.

A sum of Rs.1,11,859/- is stated to have been overdrawl by the petitioner. The said claim and/or deduction was made one month after the superannuation of the petitioner from service.

This Court, therefore, holds that the recovery of the aforesaid sum is wrongful and illegal, applying the decision of the dictum of the Supreme Court in the Case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer) and Ors.** reported in **(2015) 4 SCC 334.**

In these circumstances, the respondents shall refund the said sum of Rs.1,11,859/- into the bank account of the petitioners within a period of two months from date.

In the facts of the case, however, this Court is not inclined to award any interest to the petitioners on the recovered sum.

The other prayers in the writ petition shall stand dismissed as not pressed.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)