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11.02.2022
d.p.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 6815 of 2014
(Via Video Conference)

Bimal Kumar Majumdar
-versus
The State of West Bengal & Ors.

Mr. K.M. Hossain.
...For the Petitioner.

The petitioner is a retired primary school teacher. He approached this Court earlier being aggrieved by the action on the part of the Director, Directorate of Pension, Provident Fund and Group Insurance in deducting a sum of Rs.1,21,198/- on account of the same being overdrawn by the petitioner while he was in service.

The said writ petition being W.P. 24772(W) of 2008 was disposed of by the Court by an order dated 21st February, 2011. The Court directed that the unilateral adjustment and/or deduction of the aforesaid amount while computing the retiral benefits was not tenable in the eye of law and accordingly, the same had been quashed and set aside.

The Director, Directorate of Pension, Provident Fund and Group Insurance was directed to recast the retiral benefits afresh, in the light of the observation made in the said judgment within a particular period of time.

The Court further directed that as the said amount had been arbitrarily and illegally adjusted as overdrawn and not paid to the petitioner, the petitioner would be entitled to compensation, to be paid in the form of interest @10% per annum from the age of attainment of superannuation, so far as gratuity amount is concerned, till its actual payment. The Court further directed that if the respondent authorities fail to pay the said amount, so computed afresh, together with interest within the stipulated time, the writ petitioner shall be entitled to an additional interest @2% over and above the rate of interest already awarded, till its actual payment.

The Deputy Director, Pension, Provident Fund and Group Insurance by a communication dated 21st November, 2011 requested the learned advocate representing the petitioner to provide legible copy of the Pension Payment Order in respect of the petitioner along with the writ petition for taking necessary action in terms of the order dated 21st February, 2011 passed by the Court.

Learned advocate for the petitioner by a communication dated 9th February, 2012 forwarded the legible copy of the Pension Payment Order along with the writ petition in accordance with the request made by the Deputy Director, Pension, Provident Fund & Group Insurance.

The grievance of the petitioner is that the order passed by the Court has not been acted upon and complied till date.

The overdrawal amount that was deducted from the retiral benefits of the petitioner has not yet been refunded.

None appear to oppose the application of the petitioner, despite service.

As it appears that the issue in question has already been decided by a Co-ordinate Bench of this Court in the earlier writ petition filed by the petitioner and the Court by order dated 21st February, 2011 was pleased to set aside and quash the impugned deduction, accordingly, the respondents are bound to comply the direction passed by the Court.

Time to comply the direction passed in the order dated 21st November, 2011 is extended for a period of eight weeks from the date of communication of a copy of this order.

The respondents are directed to recast the retiral benefits issued in favour of the petitioner and also to pay the compensation in the form of interest and additional interest as directed in the said order of the Court.

The writ petition stands disposed of.

The petitioner is directed to forward a copy of the order dated 21st February, 2011 passed in WP No. 24772(W) of 2008, copy of the Memo No. 865/L/DPPG/L-PPO/2011 dated 21st November, 2011 and a copy of the representation dated 9th February, 2012 to the aforesaid respondents at the time of communicating the order of the Court.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)