

24-08-2022
ct no. 13
Sl. 40
PK

WPA 10894 of 2022

Susil Kumar Samanta
-Versus-

The State of West Bengal & Ors.

Mr. Mukteswar Maity,
Mr. Sanjoy Bhattacharya,
Mr. Sandipan Maity
...for the petitioner

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas
.....for the State

Mr. Sourav Mitra,
Mr. Dwerika Nath Mukherjee
... for the respondent no. 5/School

The school submits that they were ready and willing to process the petitioner's pension papers but are unable to do so since an overdrawn amount has not been refunded by the petitioner. Admittedly, the said overdrawn amount was not on account of the petitioner's fault or omission or misrepresentation.

In those circumstances, there shall be no sums payable by the petitioner towards any overdrawn in terms of the dicta of the Supreme Court in the case of **Thomas Daniel Vs. State of Kerala and others** reported in **AIR 2022 SC 2153**.

Pension papers must be processed by the school, D. P. P. G. and the D. I. of Schools(SE),

Hooghly within a period of three weeks from the date of communication of a copy of this order.

The petitioner shall cooperate towards furnishing of any information or execution of forms. Pension Payment Order shall be issued within the time stipulated herein above. Arrears of pension shall be paid to the petitioner with 6 per cent interest within a period of one month of issuance of Pension Payment Order. The fixation of pay for calculation of pension shall be made by the D. I. of Schools(SE), Hooghly.

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

There will be no order as to cost.

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

(Rajasekhar Mantha, J.)