

WPA 12040 of 2016

**Bhairab Chandra Mandal
Vs.
The State of West Bengal & Ors.**

**Mr. Saibal Kumar Acharya
Mr. S.B. Mukherjee
Mr. J.C. Halder**

...for the petitioner

**Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Somnath Naskar**

..for the State

**Mr. Sandip Kumar Bhattacharyya
..for the respondent nos. 5 & 6**

Supplementary affidavit and affidavit-in-reply filed on behalf of the petitioner are taken on record.

Petitioner was working as *Sheristadar* under the District Judgeship, Purulia at the material point of time and retired on superannuation on 31st January, 2016. Grievance of the petitioner is even after his superannuation till date retiral dues have not been released in his favour.

Mr. Saibal Kumar Acharya, learned advocate appears on behalf of the petitioner and has drawn attention of this Court to the memo dated 30th December, 2015 issued by the Senior Accounts Officer/Pen.XI of the Indian Audit & Accounts Department wherefrom it

appears that certain observations were made relating to process of pension case of the petitioner. It has been stated in the said memo dated 30th December, 2015 that CAS benefit of 25 years was not admissible to the petitioner as he had already been awarded third fixation benefit. Accordingly, it was suggested by the Senior Accounts Officer, Indian Audit & Accounts Department that overdrawn amount may be calculated and petitioner was required to refund the said overdrawn amount.

After issuance of said memo dated 30th December, 2015, till date, no steps have been taken by the respondent authorities for calculating the quantum of amount overdrawn by the petitioner resulting in non-payment of retiral dues in favour of the petitioner.

This Court has heard the learned advocates representing the petitioner, State-respondents and Accountant General (A & E), West Bengal and perused the relevant materials available on record.

Having considered the issue involved in this writ petition, this Court directs the Office of the District Judge, Purulia to calculate the excess drawn amount which was paid to the petitioner during his tenure and intimate the same to the Office of the Accountant General (A & E), West Bengal within a period of 4 (four) weeks from date.

On receipt of such statement on calculation relating to overdrawn amount, the Office of the Accountant General (A & E), West Bengal is directed to release the retiral dues in favour of the petitioner on adjusting the said overdrawn amount within a period of 4 (four) weeks thereafter.

As per norms, the necessary adjustment relating to overdrawn amount is to be made by the competent authority of the State of West Bengal. The entire procedure is to be completed within a period of 10 (ten) weeks from this date and the retiral dues are to be released in favour of the petitioner within the aforesaid period.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)