

13.12.2022
(D/L-11)
Ct.-18
(Susanta)

W.P.A. 16340 of 2022
Smt. Uma Chowdhury
-Vs-
The State of West Bengal & Ors.

Mr. Tarapada Das,
Mr. Chandan Dutta,
.... For the Petitioner.
Mr. Dipankar Das Gupta,
.... For the State.

Affidavit-of-service filed on behalf of the petitioner
be kept with the record.

The petitioner was an Assistant Teacher of
Durgapur Rai Rani Devi Girls High School, Paschim
Bardhaman.

As a condition precedent for disbursement of her
retiral benefits, a sum of Rs. 2,17,551/- (Rupees two
lakh seventeen thousand five hundred fifty one) was
recovered from her on the ground that she had
overdrawn the said amount during the continuance of
her service.

The petitioner filed a writ petition before this
Court being W.P. 17211(W) of 2019 for refund of the
said money along with interest.

The said writ petition was disposed of vide order
dated January 28, 2020 by directing the Director of
Pension, Provident Fund and Gratuity Insurance,
Government of West Bengal as well as the concerned
Treasury Officer to release the said amount to the
petitioner along with interest thereon @ 8% per annum
with effect from the date of issuance of the Pension
Payment Order and in pursuance thereof, on April 04,
2022, a sum of Rs. 2,27,612/- (Rupees two lakh twenty

seven thousand six hundred twelve) was paid to the petitioner.

The petitioner subsequently came to learn from her enquiry under the Right to Information Act, 2005 that the interest, as directed by the aforesaid order, was calculated for the period from January 01, 2017 i.e. the date following the date of her retirement to July 31, 2021 i.e. the date of disbursement of her pension.

The petitioner is aggrieved by the aforesaid calculation of interest.

The learned Counsel for the petitioner submits that the said refunded amount shall fetch interest till the date of its payment, not till the date of disbursement of the pension of the petitioner.

The aforesaid order dated January 28, 2020 though does not speak till which date such interest is payable, but applying the normal rule, it can safely be concluded that the petitioner is entitled to the interest on the said refunded amount at the above rate till April 04, 2022 i.e. the date of refund of the overdrawn amount.

The concerned authority, by the aforesaid order dated January 28, 2020 was directed to pay interest at the said rate from the date of issuance of Pension Payment Order but the petitioner since has received such interest from the date following the date of her retirement, the further payment of interest shall be subject to adjustment of the said excess payment.

The Treasury Officer Barackpore, the respondent no. 8 herein is directed to recalculate the interest on the aforementioned overdrawn amount in the manner

indicated above and to disburse the same as expeditiously as possible, preferably within the period of six weeks from the date of communication of this order.

Since no affidavit has been invited, allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A. 16340 of 2022 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)