

17.01.2022
Item No.20
Ct. No.5
Aloke

**W.P.A. 20719 of 2021
(Via Video Conference)
Badal Kumar Maiti
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Mitra
Ms. Srehasree Choudhury
... for the petitioner

Ms. Tapati Samanta
... for the respondent no. 4

Affidavit-of-service filed today be kept with the record.

The only prayer in the writ petition is a direction on the State respondents to repay the overdrawn amount of Rs.59,144/- to the petitioner along with interest. According to learned counsel, the petitioner retired as Librarian of the concerned Library on 30th June, 2006 and the pension payment order issued on 18th July, 2008 deducted the amount of Rs.59,144/- as overdrawn amount.

After hearing learned counsel including that of the State, the petitioner is squarely covered by the judgment of the Supreme Court in **State of Punjab v. Rafiq Masih** reported in **(2015) 4 SCC 334** in para 18 of the said judgment as the recovery was made after the petitioner retired from service. There is however considerable delay in filing of the present writ petition since the petitioner

retired in 2006, the PPO was issued in 2008 and the writ petition was filed in 2021. However since the petitioner has not gained any benefit from the delay in filing the writ petition, the petitioner cannot be deprived of his rightful dues as settled by the Supreme Court.

W.P.A. 20719 of 2021 is disposed of with a direction on the concerned respondent being the respondent no. 3 to pay the amount of Rs.59,144/- to the petitioner along with interest calculated at the rate of 6% per annum from 18th July, 2008 to the date of actual payment.

(Moushumi Bhattacharya J.)