

19
28.04.2022
S.H.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21137 of 2021
Joydeb Ghosh

v.

The State of West Bengal & Ors.

Ms. Ujani Pal(Samanta)

...for the Petitioner

Mr. Avijit Sarkar

... for the State respondents.

The petitioner was an assistant teacher who retired from service on attaining his normal age on superannuation on 31st March, 2001. Pension Payment Order was issued in favour of the teacher on 8th March, 2006. Certain sum was deducted from the terminal benefit of the teacher on account alleged overdrawal. The petitioner accepted the payment that was made to him without raising any objection.

The petitioner filed writ application in December 2021 praying for a direction upon the respondent authorities to refund the amount which was recovered from the terminal benefit of the teacher on account of excess payment.

It appears from records that the teacher accepted the amount that was paid after deducting the amount which was drawn by him in excess to the amount which ought to have been paid to him.

The conduct of the teacher implies that he had no objection to the deduction being made and he further waved

his right to raise objection at a future date. The prayer of the petitioner after lapse of a considerable period of time cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)