

WPA 4186 OF 2020

Kamal Lochan Kundu

Vs.

The State of West Bengal & Ors.

Ms. Shraboni Sarkar

... For the Petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Amit Halder.

... For the State

The claim of the petitioner is that, the petitioner was working as an Assistant Teacher. The petitioner retired on July 31, 2008 as would be evident from the averments made in paragraph 4 in the writ petition. After superannuation at the time of receiving retiral benefit a demand was lodged by the State employer upon the petitioner on January 28, 2009 and the petitioner came to know such fact from the **Pension Payment Order, Annexure-P1 at page 12** to the writ petition. The quantum of the **alleged overdrawn amount was Rs.5017/-** (Rupees five thousand seventeen only).

The law is well settled by the Hon'ble Supreme Court **In the matter of : State of Punjab and Others vs. Rafiq Masih (White Washer) & Ors., reported at (2015)4 SCC 334.** In view of the guidelines and the law laid down specifically in **paragraph 18** thereunder the demand of the alleged overdrawn amount of the State employer is not sustainable and, accordingly, stands **quashed.**

The deducted amount of **Rs.5017/-** from the Gratuity quantum of the petitioner is ***directed to be returned and refunded to the petitioner by the respondent no.2*** positively within a period of three weeks from the date of communication of this order.

The respondent no.2 shall, accordingly, issue the ***revised Pension Payment Order in favour of the petitioner positively within the aforesaid period of three weeks*** from the date of communication of this order.

All the respondents concerned are directed ***to carry out the necessary corrections in view of the above direction in the service record of the petitioner*** accordingly but positively within a period of six weeks from the date of communication of this order.

With the above direction and observation, this writ petition, ***WPA 4186 of 2020*** stands ***allowed***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)