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Dt. 04.12.23
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Ct. 18
19.12.2023

W.P.A. 16215 of 2022

Kiran Shankar Verma
Vs.
The District Inspector of Schools (S.E.), Hooghly
& Ors.

Mr. Priyabrata Batabyal ... For the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das ... For the State.

Mr. Srikanta Paul,
Mrs. Suchana Bandyopadhyay
... For the school authority/respondent no. 3.

The petitioner was an Assistant Teacher of the Champdani Arya Vidyapith, Baidyabati, District – Hooghly. On superannuation he has retired from his said service on February 29, 2016.

The grievance of the petitioner is that till date he has not received any retiral benefits.

The pension sanctioning authority replied to the audit observation of the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no. 5 herein, by re-fixing the scale of pay of the petitioner, however, a further audit observation to calculate the overdrawn amount by the petitioner is yet to be replied, which is now the obstacle in disbursing the retiral benefit of the petitioner.

The law is now settled that the employee is not obliged to refund the excess amount drawn by him due to fixation of wrong scale of pay as such the pending audit observation need not be replied and the same is overruled.

The pay scale of the petitioner has already been re-fixed. He is entitled to the pension at the said refixed scale of pay. The respondent no. 5 is directed to issue pension payment order in favour of the petitioner immediately. The arrear pension and unpaid gratuity shall fetch interest @ 5% P.A. from the date on which the said amounts were payable till the date of actual payment.

The respondent no. 8 shall complete the entire exercise in this regard within a period of six weeks from the date of communication of this order.

W.P.A. 16215 of 2022 is disposed of with the above observations without any order as to costs.

Parties to act on the server copy of this order downloaded from the official *website* of this Court.

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.)