

Item No.54
30.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2584 of 2023

Prof. Ashis Kumar Singha Roy
VS
The State of West Bengal & Ors.

*Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra,
Mr. Bikash Singha*

...for the Petitioner.

*Mr. Subir Kumar Saha,
Ms. Rima Sarkar*

...for the State.

*Mr. Amales Roy,
Mr. Deborshi Dhar,
Ms. Oshmita Mukherjee*

...for the Uttar Banga Krishi Viswavidyalaya.

Mr. Roy, learned advocate submits on instruction, from the Registrar, Uttar Banga Krishi Viswavidyalaya, that the petitioner is entitled to refund of the amount that was wrongly deducted from the monthly pension, before the commuted value of the pension was paid to the petitioner. All deductions upto January 2023 on account of commutation of the pension, shall be refunded to the petitioner within two months, in accordance with law.

It appears that further deduction of some amount from the pension, towards recovery of the salary paid during the period when the petitioner continued to work in the university, after his retirement, was also made. By order of the vice chancellor, the petitioner continued to work after retirement.

Mr. Roy, submits that such period should be treated as re-employment and the authority may be asked to decide the matter in accordance with law.

The learned advocate for the State respondents submits that the re-employment of the petitioner, even if allowed by the notification of the vice chancellor, was subject to approval of the State. No approval was accorded by the State government.

The Court is of the view that if the petitioner has been made to work, he should be paid his legitimate dues for the work done.

The vice chancellor, Uttar Banga Krishi Viswavidyalaya, will grant a hearing to the petitioner and pass necessary orders with regard to the petitioner's prayer for refund of the amount which was deducted from the petitioner's pension towards recovery of the salary paid to the petitioner, when the petitioner was working in the university, after his superannuation. The reasoned order shall be communicated to the petitioner.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Thus, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)