01.05.2024
Court No.13
Item No. 127
pk

WPA 6393 of 2024

Latika Bhukta
Vs.
The State of West Bengal & Ors.

Mr. U.K. Roy
... ... for the Petitioner.

Affidavit-of-service filed in Court today is taken on record.

This is an application under Article 226 of the Constitution of India, wherein the petitioner is aggrieved by the inaction on the part of the respondent authorities in repaying the alleged overdrawal amount along with interest on the delayed disbursement of the pensionary benefits of the petitioner.

In the present case, the husband of the writ petitioner is aggrieved by the order of deduction of the overdrawn amount of a sum of Rs.50,616/- after his retirement. The husband of the petitioner was a Head Teacher who retired from service on 31.12.1995 and died on 24.09.2003 and the pension was paid by the authorities after deducting the aforesaid amount as overdrawn amount.

Counsel on behalf of the petitioner has submitted that the petitioner was neither given any notice of the alleged overdrawal amount nor was given any opportunity to explain such disbursement prior to direct recovery of the same from the pensionary benefits and such abrupt and whimsical action of the respondents is blatantly derogative of the principles of natural justice.

The issues arising in the above writ petition have been discussed and decided by an order dated

December 3, 2019 passed by a Co-ordinate Bench of this Court in W.P.A. no. 745 of 2019 (Amal Kumar Chaudhuri – Vs. – State of West Bengal & Ors.).

In view of the above, it is clear that a writ of mandamus lies in the present facts and circumstances of this case as the overdrawn amount that has been deducted is without any basis in law.

I, accordingly, direct the respondent authorities to release the amount of Rs.50,616/- to the petitioner along with interest at the rate of 8% per annum with effect from the date of issuance of the pension payment order. Such payment is to be made to the petitioner within a period of six weeks from the date of communication of this order.

The petitioner has undertaken before this Court that he shall not claim any further benefits on account of pension that is being paid to him based on the last drawn pay as per the pension payment order dated 18.01.2002.

The concerned Treasury Officer shall verify as to whether the petitioner is present in person along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioner is not present, the matter shall be reported to the Registrar General of this Court for appropriate action.

With these observations, the instant writ petition is disposed of.

Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the petitioner upon compliance with the requisite formalities.

(Rajasekhar Mantha, J.)