

01.08.2024.

PB

Sl. No.41.

Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 9730 of 2024

Shefali Ghosh

Vs

The State of West Bengal & Ors.

Mr. Sourav Mitra,

Ms. Sreyasree Choudhury.

.....for the petitioner.

Ms. Priya Ghosal.

.....for the State.

The petitioner is the widow of a deceased retired primary school teacher. A sum of Rs.1,21,149/- was deducted from the terminal benefits of the teacher. The teacher expired in the year 2017 and the PPO was issued in 2000. During the life time of the teacher he did not have the opportunity to enjoy his terminal benefits. PPO was issued after his death. The widow has sought for refund of the amount which was deducted from the terminal benefits of the teacher on account of overdrawal payment.

I have heard learned counsel for the parties and considered the orders passed by the Hon'ble Supreme Court as well as this Court on similar facts.

The Hon'ble Supreme Court laid down in State of Punjab Vs. Rafiq Masih; (2015) 4 SCC 334 that recovery from retired employees is permissible.

In the present case, deduction was made from the terminal benefits of the teacher after the teacher retired from service. The same is impermissible in view of the law laid down by the Hon'ble Supreme Court.

The concerned Treasury Officer is, accordingly, directed to refund the amount of Rs.1,21,149/- to the petitioner along with interest at the rate of 8% per annum with effect from the date of issuance of PPO till the date of actual payment. Such payment is to be made to the petitioner within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

