

01.05.2024
Court No.13
Item no. 177
AP

WPA 10627 of 2024

**Paramananda Adhikary & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Dilip Kumar Maiti

..For the petitioners.

Mr. Subhendu Sengupta

..For the State.

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 petitioners are 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 petitioners.

In the present case, the writ petitioners are aggrieved by the order of deduction of the overdrawn amount of a sum of Rs.47,733/- after his retirement. The father of the petitioner was an Assistant Teacher who retired from service on 31.07.1991 and died on 12.06.2014 and the pension was paid by the authorities after deducting the aforesaid amount as overdrawn amount.

Counsel on behalf of the petitioners 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.47,733/-to the petitioners 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 petitioners within a period of six weeks from the date of communication of this order.

The petitioners have undertaken before this Court that they will 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 29.06.1999.

The concerned Treasury Officer shall verify as to whether the petitioners are present in person along with the documents of identity before making any disbursement as directed hereinabove. In the event the petitioners are 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.)