

ML 727
04.09.2024
d.p.

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

W.P.A 12346 of 2024

**Nayantara Pramanik
-versus
The State of West Bengal & Ors.**

**Mr. Kalyan Kumar Panda,
Mr. Uttam Kumar Roy.
...For the Petitioner.**

The petitioner is the widow of a deceased primary school teacher. The teacher retired on attaining the age of superannuation on 31st December, 1991 and died on 13th January, 2017.

After the death of the teacher, the widow has filed the instant writ petition in April 2024 seeking refund of the money which was deducted from the terminal benefit of the teacher on account of overdrawal payment.

It appears that the teacher was alive for nearly 16 years after the issuance of the Pension Payment Order. He never raised any grievance or objection to the deduction of the amount on account of excess payment. The conduct of the teacher suggests that he accepted the deduction. On the death of the teacher, the widow cannot be permitted to reopen the issue and seek refund.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)