

ML 738
04.09.2024
d.p.

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

W.P.A 13581 of 2024

**Rekha Maiti Samanta
-versus
The State of West Bengal & Ors.**

**Ms. Sudipa Biswas.
...For the Petitioner.**

**Mr. Bhakti Prasad Das.
...For the State.**

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

The petitioner is a retired primary school teacher. A sum of Rs.94,787/- has been recovered from him in November,2022 on account of refund of the over-drawal amount after his retirement in January 31, 2020. The petitioner prays for refund of the said amount.

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 impermissible.

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

The concerned Treasure Officer is accordingly directed to refund the amount of Rs.94,787/- deducted from the terminal benefit of the petitioner along with interest at the rate of 7% 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.)