

27-06-2024
ct no. 13
Sl.14
pk

WPA 14431 of 2024

Antu Das
-Versus-
The State of West Bengal & Ors.

Ms. Papiya Chattopadhyay
...for the petitioner.

Mr. Anirban Sarkar
... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The wife of the petitioner, Rubi Basak joined service as an Assistant Teacher on 18.02.2006. She obtained A category pay scale with PTTI Training from the date of joining.
3. The petitioner's wife, however, completed the one year bridge course for in-service teacher only in December, 2014. She would have therefore been entitled to A category pay scale from January, 2014.
4. The petitioner's wife has therefore wrongfully enjoyed A category pay scale from 18.02.2006 till December, 2013.
5. However, in view of the decision of the Suprme Court in the case of **State of Punjab Vs. Rafiq Masih (White Washer) reported in AIR 2015 SC 696** the excess pay drawn by the

petitioner's wife cannot be recovered from her post cessation of her service.

6. The respondents, shall, however, be entitled to recalculate the last drawn pay of the petitioner's wife in terms of her actual entitlement of the A category pay scale with effect from January, 2014.

7. In those circumstances, the D. I. of Schools(PE), Dakshin Dinajpur shall recalculate the actual entitlement of the petitioner's wife by reference to her service book based on the observations made herein above and then calculate the last drawn pay of the petitioner's wife and forward the same to the DPPG, West Bengal.

8. The DPPG, West Bengal shall issue PPO in favour of the petitioner's wife and commence pension accordingly. Any arrears of pension shall be paid to the petitioner within one month from the date of issuance of PPO.

9. The writ petition is disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)