

**02.04.2024**  
**Sl. No.136.**  
**Suman**  
**Ct.No.238.**

**WPA 12575 of 2018**  
**With**  
**CAN 1 of 2023**

**Raghunath Dhara**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Kamalesh Bhattacharya  
Mr. Swapan Kumar Pal  
Ms. Mahuya Dutta Biswas  
..for the petitioner

Mr. Sukla Das Chandra  
..for the State

Mr. Amitava Chaudhuri  
Mr. N. Roy  
Mr. C. Chakraborty b  
..for the university

**In re:- CAN 1 of 2023**

This is an application for restoration.

Having regard to the averments made in this restoration application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court on July 5, 2023.

Accordingly, **CAN 1 of 2023** is allowed and **WPA 12575 of 2018** is restored to its file and number.

In re:- **WPA 12575 of 2018**

The petitioner retired as a Senior Stenographer attached to the office of the Vice-Chancellor of West Bengal University of Animal and Fishery Sciences. He retired on October 31, 2013. By the impugned notice dated March 11, 2014, the university deducted a sum of Rs.1,69,289/- from the gratuity amount of the petitioner.

It is the stand of the university before this Court that such deduction was made erroneously. There was no overdrawn amount by the petitioner as indicated in the order impugned. The university suggests only a sum of Rs.35,120/- was overdrawn by the petitioner. The university submits that it is ready and willing to refund a sum of Rs.1,34,169/- to the petitioner.

In view of the stand taken by the university, I am not inclined to keep this writ petition pending.

Accordingly, the writ petition is disposed of with a direction upon the university to refund the said amount of Rs.1,34,169/- within a period of three weeks from date together with 6% interest per annum to be calculated from the date of deduction till the date of refund.

I make it clear that the petitioner will be entitled to the pension according to the last pay drawn by him.

With the aforesaid observations, **WPA 12575 of 2018** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

**(Kausik Chanda, J.)**