

08.07.2024
Court No.13
Item No. 51
pk

WPA 14876 of 2023
Sukanya Das Sarkar
Vs.
The State of West Bengal and others

Mr. Soumyajit Bhatta
... for the petitioner.

Mr. Suman Dey,
Mr. Saikat Sen
... for the State

Mr. Suman Basu,
Ms. Debaleena Chatterjee
... for the respondent no. 7.

1. The petitioner is the married daughter of Lipika Sarkar Bose, who was an assistant teacher under the DPSC, North 24 Parganas since 15th February, 2006. The petitioner's mother died on 14.04.2021 and the petitioner's father died on 20.04.2021. The petitioner claims to be the sole legal heir of her parents and has submitted all documents in this regard to the respondents.
2. The S.I. of Schools, North 24 Parganas by a communication dated 16.03.2023 has indicated that the petitioner's mother was not entitled to 'A' category pay scale from the date of her joining. The petitioner has been asked to deposit the overdrawn salary.
3. It is now well settled by the Hon"ble Supreme Court in the case of **State of Punjab Vs. Rafiq Masih (White Washer) reported in AIR 2015 SC 696** that the excess payment made to an employee for no fault on

her part cannot be recovered from her post cessation of her service.

4. The respondents are restrained from claiming any recovery or refund from the petitioner on account of her mother's service.
5. The respondents, shall, however, be entitled to recalculate the terminal benefits payable to the petitioner on account of her mother's service as per her mother's actual entitlement as may be assessed by the respondents in terms of the applicable rules. Let the same be done by the S.I. of Schools, North 24 Parganas and be forwarded to the DPPG, West Bengal within a period of one month from the date of receipt of a copy of this order along with a copy of the writ petition.
6. The DPPG, West Bengal shall thereafter release all terminal benefits to the petitioner if satisfied with the documents submitted and the report of the S.I. of Schools, North 24 Parganas within a period of one month of receipt of calculation sheet from the S.I. of Schools, North 24 Parganas.
7. With the aforesaid observations, the writ petition is disposed of.
8. There will be no order as to costs.
9. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

