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06.08.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 17524 of 2024

**Madhusudan Panja
-versus
The State of West Bengal & Ors.**

**Mr. Krishna Keshab Paul.
...For the Petitioner.**

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

None appears on behalf of the State respondents in spite of service.

The petitioner is a retired primary school teacher. A sum of Rs.29,335/- was deducted from his terminal benefits allegedly on account of overdrawal payment. The teacher retired on 31.03.2008 and PPO was issued in 2008. The petitioner has sought for refund of the amount which was deducted from his terminal dues.

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 in State of Punjab Vs. Rafiq Masih; (2015) 4 SCC 334 laid down that recovery from retired employees is impermissible.

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

The concerned Treasury Officer is, accordingly, directed to refund the amount of Rs.29,335/- to the petitioner along with simple interest at the rate of 8% 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 photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)