

05-08-2024
Item No.47 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.18769 of 2024
Lakshman Chandra Ruidas
-vs-
The State of West Bengal & Ors.

Mr. Uttam Kumar De ...for the petitioner

Affidavit of service be taken on record. None represents the respondents.

The petitioner is a retired primary school teacher. His date of retirement is April 30, 2019. Immediately prior to his retirement, he was directed to refund a sum of Rs.84,129/- which is alleged to be overdrawn by him. To make sure that the process of issuance of the pension payment order (PPO) does not get delayed, the petitioner refunded the amount. The petitioner by way of this writ petition seeks for refund of the said amount.

The Hon'ble Supreme Court in the case of **State of Punjab & Ors. v. Rafiq Mashhi (White Washer) etc.** reported in **(2015) 4 SCC 334** has clearly laid down that recovery of excess amount from the retired employees or employees due to retire is impermissible.

In the instant case, payment was directed to be refunded by the petitioner immediately prior to his retirement. The same is contrary to the direction passed by the Hon'ble Supreme Court.

In view of the above, the District Inspector of Schools (P.E.), Hooghly is directed to take steps for

refund of the aforesaid amount to the petitioner at the earliest, but positively within eight weeks from the date of communication of this order.

The Director of Pension, Provident Fund & Group Insurance, West Bengal and the Treasury Officer, Chandernagore are also directed to take steps for compliance of this order.

The writ petition is disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

