

13.03.2024
Court No.13
Item No.32
AP

WPA 20725 of 2021

**Namita Samanta
Vs.
The State of West Bengal and Ors.**

Mr. Tulsidas Maity
Mr. Pradip Kumar Ghosh
Ms. Namita Basu

... For the Petitioner.

1. Despite notice the respondents are not represented.

2. The petitioner challenges an order dated 25th November, 2021 passed by the District Inspector of Schools (Primary Education), Paschim Medinipur. By the impugned order the District Inspector of Schools (PE) has held that the writ petitioner was wrongfully given an increment on 1st July, 2006, despite having been given the 10-year benefit under the CAS in the earlier month of June 2006.

3. The respondents, therefore, are of the view that a continuous wrong benefit was enjoyed by the writ petitioner till the end of her service, when she retired on 30th September, 2021. Refund is sought by the respondents.

4. For non-refund of the said amount PPO has not yet been issued hence pension has not started.

5. From the service book of the writ petitioner extracted in the petition at page 25 it appears that the incorrect annual increment was given on 6th June, 2006. This was subsequently rectified in a recasting order given with effect from 1st July, 2006. Consequently, the writ petitioner also became entitled to 10 years increment under the CAS scheme, which was also given with effect from 1st July, 2006.

6. It appears that rectification of the service book of the petitioner was signed by the same person, who passed the impugned order. The petitioner shall, therefore, be entitled to PPO on the basis of his last drawn salary, which shall be communicated by the concerned DI to the DPPG within 10 days from the date of receipt of a copy of this order.

7. The DPPG shall thereupon issue PPO to the writ petitioner within a period of one week thereafter.

8. Let arrears of pension from 1st October, 2021 till the date of issuance of PPO be paid to the writ petitioner together with interest at the rate of 8% per annum within a period of 45 days from date.

9. It is now well settled that delayed payment of terminal benefits automatically attracts interest. The petitioner has not received any gratuity.

10. Let the gratuity amount be paid to the writ petitioner with interest at the rate of 8% per annum within a period of 45 days from date.

11. In default of any payments being made within a period of 45 days, the rate of interest on arrears of pension and gratuity shall stand increased to 9% per annum.

12. The impugned order dated 25th November, 2021 is set aside.

13. In so far as the refund of Rs.1,24,662/-, the same shall stand set aside since admittedly the writ petitioner has not received the additional benefit as claimed by the respondents.

14. With the aforesaid directions, the writ petition is disposed of.

15. There shall be no order as to costs.

16. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)