

04.09.2024.

BP

Sl. No.37.

Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 20468 of 2024

Archana Adhikary

Vs

The State of West Bengal & Ors.

Mr. Satya Ranjan Kundu

Mr. Sanchayita De.

.....for the petitioner.

The petitioner is the widow of a deceased retired primary school teacher. A sum of Rs.34,502/- has been recovered from him on account of refund of the overdrawal amount immediately prior to his retirement in February 2017. The petitioner prays for refund of the said amount. The teacher expired on 24.03.2017.

I have heard learned counsel for the petitioner and considered the orders passed by the Hon'ble Supreme Court as well as this Court on similar facts.

The Hon'ble Supreme Court laid down in State of Punjab Vs. Rafiq Masih; (2015) 4 SCC 334 that recovery from retired employees is permissible.

In the present case, the teacher was a retired employee and deduction was made 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.34,502/- deducted from the terminal benefit of the teacher along with interest at the rate of 7% 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 twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)