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03.09.2024
d.p.

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

W.P.A. 21018 of 2024

**Sukumar Roy
-versus
The State of West Bengal & Ors.**

**Ms. Sabita Khutia (Bhunya).
...For the Petitioner.**

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the State.**

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

The petitioner retired on 31st October, 2022 on attaining his normal age of superannuation. Pension Payment Order was issued in his favour on 6th May, 2023. Prior thereto, the petitioner was directed to deposit a sum of Rs.1,18,888/- on account of refund of overdrawal payment which the petitioner did by a Treasury Challan dated 14th December, 2022.

In the instant writ petition the petitioner prays for refund of the aforesaid overdraw amount.

It has been submitted that the said amount could not have been directed to be refunded on account of excess payment after the retirement of the teacher.

None represents the respondents.

Affidavit of service filed in Court today be retained with the record.

The Hon'ble Supreme Court in the matter of ***State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors. reported in (2015) 4 SCC 334*** laid down that recovery from retired employees is impermissible.

In the instant case, the petitioner has been directed to refund the amount after his retirement. The same could not have been done.

In view of the above, the instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, the concerned District Inspector of Schools and the concerned Treasury Officer to refund to the petitioner the aforesaid amount along with interest @ 7% per annum calculated from the date of issuance of the Pension Payment Order till date of actual payment at the earliest but positively within a period of twelve 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.)