

24.09.2024.
Court No. 2
Item No. 55
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 2079 of 2024

Indrani Choudhury
Vs
The State of West Bengal & Ors.

Mr. Sakti Pada Jana.
.....for the petitioners.

Ms. Pratusha Dutta Chowdhury.
... For the State.

Affidavit-of-service filed today in Court be kept
with the records.

The petitioner is a retired school teacher. Her service was approved by the Secretary, DPSC, Jalpaiguri with effect from 12.01.1979. She attained her normal age of superannuation on 31.01.2018. The qualifying service period as recorded in the e-pension payment order issued in favour of the petitioner is 30 years 1 month.

The petitioner submits that the qualifying service period has been wrongly recorded. Because of wrong calculation of her qualifying service period, the petitioner has been found to have received withdrawn payment from 12.01.1979 till 29.01.1988.

The respondent authority erroneously calculated the qualifying service period of the petitioner on and from 29.01.1988.

Upon mathematical calculation it appears that the petitioner completed nearly 39 years in service. The date of approval is clearly recorded in the memo of the Secretary, District Primary School council, Jalpaiguri dated 06.02.2013. The approval has been given on post facto basis in terms of a Government Order dated 29.01.1988.

The date of the Government Order is certainly not the date from which the service of the petitioner has been approved. The approval of service of the petitioner is to be calculated on and from 12.01.1979 and not from any other date subsequent thereto.

The petitioner cannot be made liable to refund the salary that was paid to her for the period 12.01.1979 to 29.01.1988. The petitioner is legally entitled to receive salary for the service which she rendered during the said period. The same, under no stretch of imagination, can be treated as overdrawn payment.

In view of the above, the District Inspector of Schools, Primary Education, Jalpaiguri is directed to re-calculate the qualifying service period of the petitioner with effect from 12.01.1979 and forward necessary documents to the DPPG, Uttar Kanya for issuance of revised PPO. The payment in terms of the revised PPO shall be disbursed immediately thereafter.

Steps shall be taken in the matter at the earliest, but positively within a period of ninety days 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.)