

**0107
2025**

TUESDAY

Court : CB-07
Item : DL-20
Bench : SINGLE
Matter : WPA
Status : DO
ID : 266057
AR : NANDY

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA4734 OF 2022

**UDIT KUMAR DASH
VS.**

THE STATE OF WEST BENGAL& ORS.

**MR. LAL RATAN MONDAL, ADVOCATE
MR. DILIP KUMAR SADHU, ADVOCATE**

..... for the Petitioner

MR. RANJAN KUMAR SAHA, ADVOCATE

..... for the DPSC, PachimMedinipore

1. The State is unrepresented.
2. The present writ petition has been filed primarily seeking a direction upon the respondents to release the petitioner's current pension, arrears of pension, and other retirement benefits.
3. Briefly stated, the facts giving rise to the institution of the present writ petition are that the petitioner joined Balia Primary School as an Assistant Teacher on 25.05.1988 and, after rendering continuous and unblemished service for 33 years, retired on 28.02.2022 upon attaining the age of superannuation from the post of Head Master at Bandhgora Converted Basic School, under Jhargram West Circle, District Paschim Medinipur.
4. Prior to his retirement, the petitioner submitted a representation to the Chairman of the District Primary School Council, seeking the final payment of his provident fund. However, his request for the release of the provident fund was not entertained, and his retiral benefits were withheld on the ground that, during his tenure of service, he had overdrawn an amount of Rs. 2,12,458/-.
5. Mr. Mondal, learned Advocate appearing on behalf of the petitioner, submits that the petitioner

is willing to repay the said amount and, accordingly, prays for a direction to adjust the overdrawn amount against the petitioner's retiral benefits and to release the admissible dues in his favour.

6. Pursuant to the order passed in this writ petition on 03.04.2025, a report in the form of an affidavit was filed on behalf of the District Primary School Council. In the report, the District Inspector of Schools (DI) stated that the petitioner commenced receiving pension with effect from 27.07.2022, and that the total arrears of pension amount to Rs. 20,85,168/-, from which a deduction of Rs. 2,12,458/- is to be made. Consequently, the net amount payable to the petitioner is Rs. 18,72,710/-
7. Mr. Mondal has pointed out that, although a Pension Payment Order (in short, PPO) has been issued in favour of the petitioner, the pension amount and all related calculations have been based on the petitioner's last drawn basic pay of Rs. 53,800/-. He invites my attention to the petitioner's Last Pay Certificate, which clearly indicates that the last drawn basic pay was Rs. 57,100/-. Therefore, it prima facie appears that there has been a miscalculation of the petitioner's pension and other related benefits.
8. Taking note of this fact, I find it appropriate to remit the issue to the District Inspector of Schools, Paschim Medinipur.
9. The concerned District Inspector of Schools (DI) shall take steps to adjust the overdrawn amount of Rs. 2,12,458/- from the petitioner's arrear pension and shall examine whether the petitioner's claim that his pension and other admissible dues should

be calculated based on his last drawn basic pay of Rs. 57,100/- is justified. If the DI finds merit in the petitioner's contention, he shall take appropriate follow-up action, including the re-fixation of the petitioner's pension and other retiral benefits, and initiate necessary steps for the issuance of a fresh Pension Payment Order (PPO).

10. If the DI finds that the petitioner's contention lacks merit, a reasoned order shall be passed and the same shall be communicated to the petitioner.
11. In any case, the entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.
12. With these observations, the writ-petition being **WPA 4734 of 2022** is **disposed of**.

(PARTHA SARATHI CHATTERJEE, J.)