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WPA 13323 of 2025

Ashis Kumar Pattanaik
Vs.
State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. S. Das
.....for the petitioner

Mr. Siddhartha Ghosh
..... for the State

The present writ petition has been filed seeking a direction upon the concerned respondents to sanction an additional 3% increment for officiating in the post of Headmaster in a Higher Secondary School. The petitioner has further prayed for a direction upon the respondents to refund the sum of Rs. 1,58,750/-, which was deposited by the petitioner as a precondition for receiving retirement benefits, including pension.

Mr. Jana, learned Advocate appearing for the petitioner, submits that the petitioner assumed charge as Headmaster of Ghagra High School (H.S.) on 19th April, 2007, and that his pay was re-fixed by the Additional District Inspector of Schools (S.E.), Sadar Sub-Division, Purulia, vide Memo dated 10th October, 2012, at Rs. 25,110/- with effect from 1st March, 2010, in the pay scale of Rs. 9,000/- to Rs. 40,500/-, and was subsequently re-fixed at Rs. 27,250/- with effect from

1st July, 2010. The petitioner retired from service on 31st October, 2012; however, his retiral benefits, including pension, were withheld on the ground of alleged overdrawal, and he was directed to deposit a sum of Rs. 1,58,750/- as a precondition for release of the same.

Under compelling circumstances and owing to acute financial hardship after retirement, Mr. Jana contends, the petitioner deposited the said amount to secure release of his retiral dues. It is further submitted that the petitioner was entitled to an additional 3% increment for manning the post of Headmaster, having discharged additional responsibilities attached thereto, but such benefit was never extended to him. Relying on the decision of the Hon'ble Supreme Court in *State of Punjab & Ors. vs. Rafiq Masih (White Washer) & Ors.*, reported in (2015) 4 SCC 334, Mr. Jana contends that, after cessation of the master-servant relationship, any excess amount paid on account of erroneous pay fixation cannot be recovered from a retired employee.

During the course of hearing, Mr. Jana, learned Advocate appearing for the petitioner, and Mr. Ghosh, learned Advocate appearing for the State, jointly submitted that the matter may be referred to the Commissioner of School Education for taking an appropriate decision.

Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record, I am of the view that there is no purpose in keeping this writ petition pending. Accordingly, the writ petition is disposed of with liberty to the petitioner to submit a representation before the Commissioner of School Education, ventilating his grievances and claiming an additional 3% increment for discharging the additional responsibilities as Headmaster of the Higher Secondary School, as well as seeking refund of the amount already deposited by him, in view of the decision in *Rafiq Masih (White Washer) & Ors (supra)*, within a period of two weeks from date.

If such representation is received from the petitioner within the stipulated period, the Commissioner of School Education shall consider the same and take an appropriate decision thereon in accordance with law. While considering the petitioner's claim for refund of the deposited amount, the Commissioner shall also take into account the proposition laid down in the decision of *Rafiq Masih (White Washer) & Ors (supra)*.

If the Commissioner of School Education finds merit in the petitioner's claim, appropriate follow-up action shall be taken, which shall include granting the petitioner a 3% additional increment along with arrears of pay and refunding the amount deposited by him.

If the Commissioner of School Education finds that the petitioner's claim is without merit, a reasoned order shall be passed, and the same shall be duly communicated to the petitioner.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of the petitioner's representation. Such decision shall be taken after affording the petitioner an opportunity of hearing.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)