

18.11.2024
Ct. No. 18
ML-234
AGM

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 14961 of 2024

**Deb Narayan Das
-versus
The State of West Bengal & Ors.**

**Mr. Goutam Kumar Thakur.
...For the Petitioner.**

**Mr. Amit Kumar Ghosh.
... For the State.**

1. The petitioner retired on 29.02.2024 on attaining his normal age of superannuation. Pension Payment Order was issued in his favour on 09.04.2024. Prior thereto, the petitioner was directed to deposit a sum of Rs. 55,714/- on account of refund of overdrawn payment which the petitioner did by a Treasury Challan dated 08.04.2024.
2. In the instant writ petition the petitioner prays for refund of the aforesaid overdrawn amount.
3. It has been submitted that the said amount could not have been directed to be refunded on account of excess payment immediately prior to the retirement of the teacher.
4. 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 and recovery from employees who are due to retire within one year of the order of recovery is impermissible.

5. In the instant case, the petitioner has been directed to refund the amount immediately prior to his retirement. The same could not have been done.
6. 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 @ 5% 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.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)