

11.08.2025
Court No. 18
Item No. 06
(Suvendu)

WPA 14351 of 2025

Ranjit Das
-Versus-

The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreyosree Choudhury
.....for the petitioner

Mr. Deepnath Roy Chowdhury
.....for the State

1) Petitioner retires on superannuation on 30th June, 2025 and learned advocate representing the petitioner has submitted that till date retiral dues have not been cleared. It is also submitted that an objection was raised by the Director of Pension, Provident Fund and Group Insurance being respondent no. 4 that pay of the petitioner being Headmaster of higher secondary school is required to be fixed as per memo no. 292-SL/SS-294/12 dated 22nd March, 2017. Based on such objection school authority has downgraded the pay of the petitioner thereby assessed Rs. 3,94,896/- as overdrawn amount.

2) In support of the case made out by the petitioner, learned advocate representing the petitioner has relied upon the judgment of the

Hon'ble Division Bench delivered on an intra-court appeal being **MAT 1002 of 2022 (The State of West Bengal & Anr. Vs. Sri Kali Sadhan Bhattacharjee @ Bhattacharyya & Ors.)** and an order dated 15th January, 2024 passed by a Coordinate Bench on a writ petition being **WPA 6217 of 2021 (Subir Kumar Ghosh Vs. The State of West Bengal & Ors.)**.

3) State respondents are represented by learned advocate who has made submission to defend the objection raised by respondent no.4. According to State respondents, aforesaid excess drawn amount is required to be refunded by the petitioner for finalizing pension case.

4) Considering the submissions made on behalf of the parties, this Court finds that basis of calculation of excess drawn amount requiring the petitioner to refund the same is memo dated 22nd March, 2017. It is rightly submitted by learned advocate representing the petitioner that petitioner was Headmaster of a higher secondary school and due to up-gradation of the school petitioner enjoyed three percent additional increment. Such right of the petitioner to get the benefit of three percent additional increment being Headmaster of a higher secondary school is fortified by the judgment of the Hon'ble

Division Bench delivered in **Sri Kali Sadhan Bhattacharjee @ Bhattacharyya** (supra) and the order passed by a Coordinate Bench in **Subir Kumar Ghosh** (supra).

5) Hence, the issue is no more *res integra*.

6) Therefore, objection raised by the respondent no. 4 for downgrading the pay of the petitioner by withdrawing three percent additional increment is not found to be sustainable. Consequently, pay fixation made by the school authority is also set aside.

7) The District Inspector of Schools (SE), Paschim Medinipur being respondent no. 5 is directed to forward the pension case of the petitioner along with relevant documents to respondent no. 4 by fortnight from date of communication of this order. On receipt of pension case, respondent no. 4 shall issue Pension Payment Order by fortnight thereafter on compliance of necessary formalities.

8) State respondents are directed to release retiral dues including pension in favour of the petitioner at an early date but not later than eight weeks from date of communication of this order.

9) Writ petition stands disposed of.

10) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)