

**IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
Appellate Side**

Judgment (2)
Moumita
Daily List Item No. 9

**Present :
The Hon'ble Justice Aniruddha Roy**

WPA 17352 OF 2025

Kanchan Kumar Roy

Vs.

The Union of India & Ors.

For the Petitioner : Mr. Debottam Das

For the Respondents : Ms. Debjani Ghosal

Heard on : 27.08.2025

Judgment on : 27.08.2025

Aniruddha Roy, J.:

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Debottam Das, learned advocate appears for the writ petitioner.
3. Ms. Debjani Ghosal, learned advocate appears for the respondents.
4. Referring to the impugned demand dated **May 22, 2025 annexure p-18 at page 59** to the writ petition, the petitioner submits that a sum of Rs.17,71,967/- has been alleged to have been overdrawn by the petitioner and accordingly the employer claims back the same and it has started deducting a particular sum month by month from the salary of the petitioner.
5. Learned counsel appearing for the petitioner submits there was no misrepresentation made by the petitioner neither any fraud has been

practiced by the petitioner on the employer, therefore this demand is bad-in-law.

6. Ms. Ghosal, learned counsel appearing for the respondents/employers submits that the petitioner all along was aware of his actual pay scale but still the petitioner has received the amount higher than the pay scale to which the petitioner is entitled to. The petitioner should have immediately raised the issue before the employer.
7. She further submits that the petitioner shall retire in the year 2029.
8. After considering the rival submissions of the parties and on perusal of the materials on record, this court is of the view that the issue has to be gone in the light of the existing facts and materials. First, it is required to be decided what is the actual pay scale of the petitioner and in the light of that if any overdrawn has been made by the petitioner.
9. Learned counsel for the respondents submit that the petitioner has already submitted a representation dated **December 11, 2017** wherefrom it would be evident he had prayed for grade pay of Rs.4,200/- per month and that point of time the same was not granted. Referring to page 60 to the writ petition, learned counsel for the petitioner submits that on **January 23, 2019** the remuneration of the petitioner was re-fixed without taking into account the said representation.
10. Re-fixation was made by the employer in its own volition and, therefore, a further order for re-fixation at page 51 to the writ petition was made and accordingly the petitioner has been receiving payment.

11. Be that as it may, the entire issue on the basis of the existing records and materials is required to be decided on facts at the threshold.
12. In view of the above, the petitioner shall forthwith serve a copy of the writ petition along with a copy of today's order upon the **respondent no. 4**.
13. The **respondent no. 4** then upon issuing a prior hearing notice of at least seven days to the petitioner shall decide the issue in the light of the claim made in the writ petition with regard to the fixation of pay scale and the alleged overdrawn amount after granting an opportunity of hearing to the petitioner and by passing a reasoned order in accordance with law.
14. The entire exercise shall be carried out and completed by the respondent no.4, positively within a period of **four weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **one week** from the date of the said reasoned order to be passed.
15. It is made clear that, this Court has not gone into the merits of the rival contentions of the parties. The petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon but the same shall not travel beyond the scope of the claim made in this writ petition and the direction made herein.
16. In the event, the reasoned order goes in favour of the petitioner the appropriate authority of the respondents shall take all necessary and

consequential steps to give an immediate effect to the said reasoned order in accordance with law.

17. In the event, it is found that the deduction already made till the date of the reasoned order to be passed was not lawful then the entire deducted amount shall be returned to the petitioner positively within a period of **four weeks** from the date of the said reasoned order to be passed.
18. It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 4, strictly in accordance with law.
19. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
20. With the above observations and directions, this writ petition, **WPA 17352 of 2025** stands **disposed of**, without any order as to costs.
21. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)