

23.12.2025
Item No.105
Court No.08.
AB

**MAT 1951 of 2025
With
CAN 2 of 2025**

Udit Kumar Dash

Vs.

The State of West Bengal & Others

Mr. Lalratan Mondal
Mr. Dilip Kr. Sadhu ...for the Appellant.

Mr. Rajarshi Basu,
Mr. S. T. Mina ...for the State.

Dictated by Arijit Banerjee, J.

1. The appellant filed a writ petition before the learned Single Judge with the grievance that his retiral benefits were being withheld.
2. It was submitted on behalf of the District Primary School Council that the writ petitioner had overdrawn an amount of Rs.2,12,458/- during his service tenure.
3. Learned Advocate for the writ petitioner submitted “that the petitioner is willing to repay the said amount” and accordingly, a prayer was made for a direction on the Authorities to adjust the overdrawn amount against the petitioner’s retiral benefits and release the admissible dues in favour of the petitioner.

4. The other grievance that was raised by the writ petitioner was that although his pensionary benefits were calculated on the basis of his basic pay of Rs.53,800/-, his last drawn basic pay was Rs.57,100/-. Therefore, there was a miscalculation of the petitioner's pensionary and other relevant benefits.

5. Recording the submissions of the parties, the learned Judge disposed of the writ petition with the following directions:

"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".

6. It is against the aforesaid order that the petitioner has come up before us.

7. Insofar as the alleged miscalculation of the pensionary benefits of the appellant is concerned, we see that the concerned District Inspector of

Schools has already passed a reasoned order rejecting his contention. The appellant says that he has already challenged such order by way of a fresh writ petition being WPA 25802 of 2025, which is pending. Hence, we are no more concerned with that issue.

8. As regards the issue of over-drawal, the appellant cannot maintain this appeal since he himself through his learned advocate, offered to repay the overdrawn amount by way of adjustment against his retiral benefits. The order for adjustment of the overdrawn amount was passed by the learned Single Judge on consent and in fact the appellant volunteered to make such adjustment. On that score, the appeal is not maintainable.
9. The appeal and the connected application are, accordingly, disposed of.
10. This will not prevent the appellant from making appropriate application before the learned Single Judge in connection with the judgment and order dated July 1, 2025, which is the subject matter of the present appeal.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

