

21.11.2025
Sl. No.36
Subrata
Bhattacharyya
AR(C)

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

WPA No.26087 of 2025

**Mithu Datta (Hom Choudhury)
-versus
The State of West Bengal & Ors.**

Mr. Kalyan Kumar Panda
Mr. Aninda Bhattacharya ...for the petitioner

Mr. Biplab Guha
Ms. Tithi Paul ...for the State

1. Affidavit of service filed in Court today be retained with the record.
2. The petitioner retired on April 30, 2024 on attaining her normal age of superannuation. Pension Payment Order was issued in her favour on September 12, 2024. After retirement of the petitioner, a sum of Rs.2,72,842/- was deducted from her pensionary benefits on account of refund of overdrawal payment.
3. In the instant writ petition the petitioner prays for refund of the aforesaid overdraw amount.
4. 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.
5. 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.

6. In the instant case, the alleged overdrawn amount has been recovered after her retirement. The same could not have been done.
7. 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.
8. The writ petition stands disposed of.
9. Certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Amrita Sinha, J]