25.11.2025
Ct. No. 18
Sl. No.54
AGM

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26591 of 2025

Anil Chandra Barman
-versus
The State of West Bengal & Ors.

Ms. Sudipa Banerjee.
...For the Petitioner.

Ms. Jyotsna Roy Mukherjee.
...For the State.

1. Affidavit of service filed in Court today be retained with the record.
2. The petitioner retired on 28.02.2019 on attaining his normal age of superannuation. Pension Payment Order was issued in his favour on 29.03.2019. Prior thereto, the petitioner was directed to deposit a sum of Rs. 55,150/- was deducted from his 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 petitioner has been directed to refund the amount immediately prior to his 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. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)