

17.11.2025
Sl. No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

WPA No.29635 of 2024

Swapna Dutta (Mandal)

-versus

The State of West Bengal & Ors.

Mr. K.M. Hossain

Ms. Keya Sutradhar

Mr. Kazi Ardan Ali

Mr. Mayukh Saha ...for the petitioner

Mr. Manas Kumar Sadhu ...for the State

1. Affidavit of service filed in Court today be retained with the record.
2. The petitioner retired on January 31, 2025 on attaining her due age of superannuation. Prior to issuance of pension payment order, the petitioner was directed to deposit a sum of Rs.3,00,000/- (Rupees three lakh) on account of refund of overdrawn payment.
3. The post graduate scale of pay was sanctioned in favour of the petitioner by the District Inspector of Schools (SE), Kolkata on 29th April, 2002.
4. In the instant writ petition the petitioner prays for refund of the aforesaid overdrawn amount.
5. 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.
6. 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.

7. 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.
8. In view of the above, the instant writ petition is disposed of by directing the Director of Pension, Provident Fund & Group Insurance, West Bengal, the concerned District Inspector of Schools and the concerned Treasury Officer to refund the petitioner the aforesaid amount along with interest @ 5% per annum calculated from the date of issuance of the pension payment order, if any, till date of actual payment at the earliest but positively within a period of twelve weeks from the date of communication of this order.
9. The writ petition stands disposed of.
10. Certified copy of this order, if applied for, be made available to the parties.

[Amrita Sinha, J]