

Item no.D/L 12
Court No. 18

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

In the matter of:

.... *Petitioner*

....*Respondents*

....*Advocates*

....*Advocates*

....*Advocates*

1. Report in the form of affidavit on behalf of respondent nos. 3 to 5 filed in Court today is taken on record.
2. The petitioner is a retired employee of the Calcutta State Transport Corporation. He is aggrieved by the act of the employer in deducting a sum of Rs. 48,164/- from his leave encashment.
3. Prayer has been made to direct the respondent authority to refund the aforesaid amount along with interest.
4. Reliance has been placed on the judgment delivered by the Hon'ble Supreme Court in the matter **State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors.** reported in **(2015) 4 SCC 334.**

5. Reliance has also been placed on the order passed by this Court on 21st May, 2025 in WPA 6364 of 2025 in the matter of **Asim Kumar Kundal Vs. The State of West Bengal & Ors.** wherein, under similar circumstances, the Court directed refund of the amount deducted along with interest.
6. Upon hearing the submission made on behalf of the petitioner and on perusal of the report filed by the respondent authority it appears that the petitioner retired from service on attaining his normal age of superannuation on 31st August, 2023. He was serving in a Group-‘C’ post. The amount has been deducted from his terminal dues.
7. The Hon’ble Supreme Court in Rafiq Masih (supra) clearly laid down that recovery from retired employees is impermissible.
8. The same principle has been followed in the matter of Asim Kumar Kundal (supra).
9. In view of the above, the instant writ petition is disposed of by directing the Managing Director of CSTC to take steps to refund the sum of Rs. 48,164/- to the petitioner with simple interest at the rate of six percent per annum on and from the date of deduction till the date of refund at the earliest but positively within a period of eight weeks from the date of communication of this order.
10. The writ petition stands disposed of.
11. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)