09-10-2026
Item No.22
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.16030 of 2026
Md. Moniruzzaman Biswas
-vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana ...for the petitioner

Mr. Tapas Kumar Chatterjee
Mr. Sailen Naskar ...for the State

1. The petitioner retired from service on July 31, 2026. He alleges that he has not been paid his terminal dues allegedly because objection was raised by the Joint Director of Accounts, Murshidabad saying that there has been incorrect fixation of pay of the petitioner. The petitioner has received excess payment.
2. The objection mentions that the date from which increment was paid to the petitioner is incorrect.
3. Learned counsel for the petitioner submits that the petitioner is in a penurious condition and that he requires immediate financial assistance. The retired teacher received the amount as per the scale fixed by the concerned District Inspector of Schools. After retirement, the authority detected the error and is presently seeking to recover alleged excess amount from the petitioner.
4. The Hon'ble Supreme Court in the case 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.

5. In the instant case, the petitioner has been directed to refund the alleged excess amount after his retirement. The same could not have been done.
6. As the teacher retired from service on July 31, 2026, the authority ought to have taken steps to release his terminal dues without any further delay.
7. Though it will be permissible for the authority to fix the scale of pay of the petitioner in the proper scale, but the respondent authorities will be restrained from recovering any amount from the petitioner.
8. The District Inspector of Schools is directed to forward all documents to the Director of Pension, Provident Fund & Group Insurance, West Bengal at the earliest but positively within 90 days from the date of communication of this order for issuing the PPO in favour of the petitioner.
9. The authority shall ensure that the admissible dues of the petitioner are disbursed without any further delay.
10. In the event the petitioner is aggrieved by the fixation of his pay after his retirement, it will be open for the petitioner to approach the competent forum for relief in accordance with law, if so advised.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]