

ML-529
20.02.2026
Court No.18
pg.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17564 of 2024

China Pal
-versus
The State of West Bengal & Ors.

Mr. Chandan Dutta
... For the petitioner

Ms. Neelam Singh
... For the State

1. Affidavit of service filed in Court today is taken on record.

2. Instruction forwarded by the District Inspector of Schools (Secondary Education), Paschim Bardhaman signed on 2nd August, 2024 also be retained with the records.

3. The petitioner seeks for refund of the money deposited by her on account of overdrawn payment.

4. The petitioner retired from service on 31st July, 2022. Overdrawn amount was refunded by her through treasury challan on 29th December, 2021. The overdrawn amount was on account of excess House Rent Allowance drawn by her. The authority rectified the mistake well within the service tenure of the petitioner and directed her to refund the same which

the petitioner refunded in December 2021 without raising any objection. The instant writ petition has been filed in July 2024 seeking refund of the said amount.

5. The Court is of the opinion that the employer has the right to rectify the error in pay fixation of the employee well within the service tenure. Once order for refund of the overdrawn amount is accepted and refunded without any objection then the same ought not to be permitted to be challenged in a subsequent proceeding.

6. In the instant case, writ petition has been filed by the petitioner more than three years after depositing the amount found to be drawn in excess. The same cannot be allowed.

7. The writ petition fails and is hereby dismissed.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)