

17.02.2026
Sl. No.20
Ct. No.14
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 18190 of 2025

**Anita Rani Dolai Bag
Versus
The State of West Bengal & Ors.**

Mr. Sudip Sarkar
Ms. Arpita Saha

...for the Petitioner.

Ms. Mohuya Datta Biswas

...for the State.

1. Report of the District Inspector of Schools (PE), Paschim Medinipur dated 12th February, 2026 filed by the State is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities to refund overdrawn of salary of the petitioner amounting to Rs.30,576/- along with interest from the date of deposit till the date of actual disbursement.
3. The petitioner contends that she was an Assistant Teacher in Dhangori Primary School, Village Dhangori, P.O. Markunda, District Paschim Medinipur. The petitioner retired from service on superannuation on 30th April, 2021. The petitioner was directed by the District Inspector of Schools (PE), Paschim Medinipur to deposit the overdrawn amount of salary of Rs.30,576/- in order to process the pension papers of the petitioner. Petitioner duly deposited the aforesaid amount to the Treasury Officer, Kharagpur on 20th January, 2021.

Upon deposit of the same, the pension payment order has been issued to the petitioner. The direction of the respondent authorities for deposit of the overdrawn amount is impermissible in law. Hence, this writ petition.

4. Mr. Sudip Sarkar, learned Advocate appearing for the petitioner submits that the petitioner was asked to deposit the amount of overdrawn salary within a period of one year prior to her retirement, which is impermissible in law. To buttress his contention he relies on the decision of the Hon'ble Supreme Court in ***State of Punjab and ors. -versus- Rafiq Masih (White Washer) and ors.*** reported in ***(2015) 4 SCC 334***. He seeks for appropriate direction for refund of the overdrawn amount with interest from the date of deposit till the date of actual disbursement.
5. On the contrary, Ms. Mohuya Datta Biswas, learned Advocate appearing on behalf of the State submits that the petitioner was an untrained teacher. However, the grade pay has been wrongly calculated in respect of the petitioner which has resulted in disbursement of excess salary to the petitioner because of wrong fixation. Therefore, the petitioner cannot claim refund of the overdrawn salary. She seeks dismissal of the writ petition.
6. The only issue which falls for consideration is whether the respondent authority was justified in directing the petitioner to deposit the overdrawn amount of salary of the petitioner within one year of her retirement.

7. In order to examine such issue it would be apposite to reproduce the relevant portion of paragraph 18 of *Rafiq Masih* (supra) :

“18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess payment. Be that as it may, based on the decisions of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law;

(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employees, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

8. Bearing in mind the aforesaid proposition of law in *Rafiq Masih* (supra) and as the overdrawn amount has been asked to be deposited within a period of one year prior to her retirement, it is impermissible in law in the facts and circumstances of the case.
9. Accordingly, the respondent no.2, the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3, the Treasury Officer, Kharagpur and the respondent no.4, the District Inspector of Schools (PE), Paschim Medinipur are directed to refund the overdrawn amount of salary of Rs. 30,576/- along with interest at the rate of 8% per annum to the petitioner from the date of

deposit of the aforesaid amount till the date of actual payment. Such payment shall be made within a period of eight weeks from the date of communication of this order.

10. Learned advocate for the petitioner is directed to communicate this order to the respondent nos.2, 3 and 4 for necessary action.
11. With the above direction, the writ petition being **WPA 18190 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)