

07.04.2026
Sl. No. 22
Ct. No.14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/21797/2025
AMIT KUMAR MANDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Goutam Malik

...for the Petitioners.

Mr. Sabyasachi Bhattacharjee

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for direction upon the respondent authorities to repay the alleged overdrawn amount of Rs. 5439/- to the petitioner together with interest from the date of retirement of the concerned employee till the date of actual disbursement.
3. The petitioner contends that his uncle, namely, late Manik Lal Mandal was an approved Head Teacher of Kumarhat Chandkhali F.P. School, Post Office Chandkhali, Police Station Baruipur, District South 24 Parganas. The uncle of the petitioner retired from service on superannuation on 31st August, 1992. The pension payment order was issued in favour of the concerned employee on 31st January, 2002 wherein an amount of Rs. 5439/- was deducted towards the overdrawn in pay. The concerned employee expired on

3rd March, 2014. The wife of the concerned employee, namely, late Rajlakshmi Mandal was granted family pension. She died on 18th January, 2019. The petitioner claiming to be a nominee seeks for release of the overdrawn amount deducted at the time of issuance of the pension payment order. Hence this writ petition.

4. Mr. Goutam Malik, learned advocate appearing for the petitioner submits that such deduction was made after retirement of the petitioner and, therefore, is impermissible in law. To buttress his contention he relies upon the decision of 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*** and seeks for appropriate orders.
5. Mr. Sabyasachi Bhattacharjee, learned advocate representing the State through virtual mode submits that no such representation was made before the concerned authority disputing such deduction towards the overdrawn in pay and, therefore, the writ petition is liable to be dismissed.
6. From the four corners of the writ petition there is no such pleading that the pensioner, that is the concerned employee or the family pensioner his widow ever disputed such deduction towards overdrawn in pay. The petitioner is the nephew of the concerned employee. The petitioner is not at all an affected party. As such the writ petition is not maintainable at his instance.

7. Accordingly, the writ petition being **WPA 21797 of 2025** is dismissed.
8. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
9. Consequently, connected applications, if any, also stand disposed of.
10. Interim orders, if any, stand vacated.
11. There will be no order as to costs.
12. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)