

08-01-2026
Item No.14
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.23553 of 2023

Mosaraf Hossain

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Ms. Sudipta Pramanik ...for the petitioner

Md. Mansoor Alam
Ms. Suvasree Ghosh ...for the State

1. The petitioner is a retired school teacher who retired from service on February 28, 2021. As per the payment statement, his last pay drawn was Rs.92,000/- p.m. At the time of issuance of PPO, the last pay drawn was shown as Rs.89,000/-.
2. Certain sum was deducted from the PPO of the petitioner on account of overdrawn payment. The petitioner approached this Court seeking refund of the deducted amount by filing a writ petition being WPA No.4027 of 2023 which stood disposed of in favour of the petitioner vide order dated July 5, 2023.
3. The petitioner has made a representation before the authority seeking re-fixation of his pay scale. It has been submitted that the scale of pay of the petitioner ought not to have been reduced after his superannuation.
4. From the documents annexed to the writ petition, it appears that the representation was served upon the DI and the DPPG.

5. As the pension sanctioning authority of the petitioner was the District Inspector of Schools, it may not be possible for the said authority to revisit the issue of re-fixation of scale of pay.
6. Under such circumstances, the Court thinks it fit to dispose of the instant writ petition with the observation that it will be open for the petitioner to make a comprehensive representation before the Commissioner of School Education annexing all documents in support of his stand.
7. If such representation is filed, the same shall be considered by the Commissioner of School Education strictly in accordance with law, after giving reasonable opportunity of hearing to the petitioner and the DI of Schools or his representative. A decision shall be taken by the Commissioner at the earliest, but positively within a period of twelve weeks from the date of communication of this order.
8. If the prayer of the petitioner is accepted, then necessary consequential steps shall be taken without any further delay.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

