

M/L 710
27.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23663 of 2023

Nimai Chand Adhikary

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari

Mr. Siddhartha Sankar Mandal

Sk. Imtiazuddin

...for the Petitioner.

Mr. Sailendranath Chakraborty

Mr. Soumik Dey

...for the State.

1. Reasoned order dated May 7, 2024 passed by the District Inspector of Schools (Secondary Education), North 24 Parganas handed over by the learned advocate representing the State respondents in Court today be retained with the records.
2. Copy of the same has been handed over to the learned advocate representing the petitioner in Court.
3. It appears therefrom that though the petitioner retired from service on attaining his age of superannuation on January 31, 2022 and the school authority submitted the pension paper of the petitioner on August 10, 2021 to the office of the District Inspector of Schools (Secondary Education), North 24 Parganas, but his pension paper was forwarded to the DPPG only on June 30, 2022, i.e., long after the retirement of the petitioner. It is only thereafter that objection was raised by the respondent authorities.

4. The petitioner was intimated that till the overdrawn amount is not refunded, his PPO cannot be made ready.

5. As per the law laid down by the Hon'ble Supreme Court in the matter of ***State of Punjab and Others vs. Rafiq Masih (White Washer) and Others*** reported in ***(2015) 4 SCC 334***, it is impermissible to direct refund of the overdrawn amount after retirement of an employee.

6. In the instant case, admittedly, direction for refund was issued after the petitioner retired from service. The same cannot be accepted in the eye of law.

7. In view of the above, the direction passed by the authority to refund any amount overdrawn by the petitioner is liable to be set aside and is, accordingly, set aside.

8. The pension sanctioning authority is directed to prepare the pension file of the petitioner and forward the same to the DPPG for preparation of the PPO.

9. The respondent authorities are directed to ensure that PPO in favour of the petitioner is issued positively within a period of twelve weeks from the date of communication of this order and the petitioner receives his pension positively by April 30, 2026.

10. It will be open for the respondent authorities to rectify any error in the pay fixation of the petitioner

but no direction for refund of the overdrawn amount can be passed.

11. The writ petition stands disposed of.

12. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)