

S/L 50
27.01.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 26728 of 2025

Debjani Mandal

Vs.

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Jaydip Basu

...for the State.

1. The widow of a deceased teacher has approached this Court challenging the act of the respondents in issuing Pension Payment Order upon deducting amount overdrawn by her husband while in service.

2. Reliance has been placed on the judgment passed 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*** in support of the submission that the same is impermissible in law.

3. Fact remains that the husband of the petitioner died-in-harness on April 26, 2022 and due to ignorance of his death, incremental benefit was allowed. On detection of the error, the overdrawn amount stood deducted from the terminal benefit issued in favour of the widow of the deceased, i.e., the petitioner herein.

4. Learned advocate representing the State respondents has produced copy of the communicating letter of the petitioner dated September 23, 2024

requesting the District Inspector of Schools to adjust the overdrawn amount from the death gratuity of her deceased husband.

5. The Court is of the opinion that as money was credited in favour of the deceased teacher inadvertently, accordingly, the employer rightly deducted the amount which the teacher was not legally entitled to receive. The authority detected the error and rectified the same.

6. In the instant case, the principle laid down in the matter of Rafiq Masih (*supra*) cannot be made applicable more so, because the petitioner herself requested for such adjustment. The authority accepted the prayer of the petitioner and adjusted the overdrawn amount and released the balance payment in her favour.

7. In view of the above, the prayer of the petitioner for refund of the overdrawn amount cannot be accepted.

8. The writ petition fails and is hereby dismissed.

9. 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.)