

5th Feb., 2026
Item no.D/L 38
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 27129 of 2025**

In the matter of :

Harendra Nath Garai

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Ms. Sudipa Banerjee

....Advocate

For the State:

Mr. Gourav Das

Ms. Tanusri Chandra

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner retired on 31.05.2022 on attaining his normal age of superannuation. Pension Payment Order was issued in his favour on 31.05.2023. Prior thereto, the petitioner was directed to deposit a sum of Rs. 2,34,532/- on account of refund of overdrawn payment which the petitioner did by a Treasury Challan dated 15.03.2023.
3. In the instant writ petition the petitioner prays for refund of the aforesaid overdrawn amount.
4. It has been submitted that the said amount could not have been directed to be refunded on account of excess payment immediately prior to the retirement of the teacher.
5. The Hon'ble Supreme Court in the matter of State of Punjab & Ors. Vs. Rafiq Masih (White Washer) & Ors. reported in (2015) 4 SCC

334 laid down that recovery from retired employees and recovery from employees who are due to retire within one year of the order of recovery is impermissible.

6. In the instant case, the petitioner has been directed to refund the amount immediately prior to his retirement. The same could not have been done.
7. In view of the above, the instant writ petition is disposed of by directing the Director of Pension, Provident Fund and Group Insurance, the concerned District Inspector of Schools and the concerned Treasury Officer to refund to the petitioner the aforesaid amount along with interest @ 5% per annum calculated from the date of issuance of the Pension Payment Order till date of actual payment at the earliest but positively within a period of twelve weeks from the date of communication of this order.
8. The writ petition stands disposed of.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)