

12 22.05.2025
rkd Ct.18

W.P.A. 9593 of 2025

Smt Krishna Roy

-vs-

The State of West Bengal & Ors.

Ms. Debjanai Ghosal

....for the petitioner.

Mr. Biswajit De,
Ms. Tapati Samanta

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner retired on superannuation on 31st
January, 2025 and grievance of the petitioner is till
date retiral dues including pension have not been
released in her favour.

The learned advocate representing the State
respondents has filed memo dated 7th May, 2025
wherefrom it appears that Deputy Director of Accounts
while scrutinizing pension papers of the petitioner
raised objection against date of yearly increment which
was fixed on 1st March, 1989 after sanctioning higher
scale of pay by the concerned District Inspector of
Schools (SE), Hooghly in terms of the order of the
Court dated 11th April, 2016.

This Court posed query to the learned
advocate representing the State respondents if 1st of
March, 1989 was not appropriate date of yearly

increment then what should be the date of yearly increment from 1989 onwards. The learned advocate for the State respondents has prayed for accommodation to obtain instruction.

Since petitioner retired on superannuation on 31st January, 2025 and while settling pension case Deputy Director raised objection relating to fixing date of increment in 1989, State authorities at this stage are not authorized to demand refund of excess drawn amount, if any, since case of the petitioner is fortified by the ratio of the judgment of the Hon'ble Supreme Court, reported in *(2015) 4 SCC 334, paragraph 18 [State of Punjab & Ors. v. Rafiq Mashi (White Washer) & Ors.]*.

Hence, State authorities are directed to release admissible retiral dues to the petitioner including pension without insisting upon the petitioner to refund alleged excess drawn amount within a period of four weeks from the date of communication of this order.

Since date of increment may have impact on fixation of pension what should be the actual date of increment in 1989 needs to be decided on exchange of affidavits.

Let affidavit-in-opposition to this writ petition be filed by three weeks after ensuing summer vacation and affidavit-in-reply, thereto if any, be filed by one

week thereafter.

Petitioner shall be at liberty to mention the matter before the appropriate Bench for hearing after the time fixed hereinabove for exchanging affidavits.

The learned advocate for the petitioner is directed to communicate this order to the non-appearing respondents by seven days from date and file further affidavit-of-service on the next date.

The memo dated 7th May, 2025 containing instruction of the District Inspector of Schools (SE), Hooghly is taken on record.

(Saugata Bhattacharyya, J.)