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(sanjay)
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21012 of 2022

Goutam Adhikary
Vs.
Union of India & Ors.

Mr. Dilip Kumar Maiti for the petitioner.

Ms. Debjani Ghosal ...for the respondents.

Mr. Maiti, learned counsel appearing on behalf of the petitioner submits that the undertaking annexed with the report on affidavit was only signed post retirement for release of pensionary benefits. Such undertaking was not signed in the nature of _____ to the employer for any money/enhancement of pay granted to him due to pay fixation without any fraud or misrepresentation on the part of the petitioner.

He relies on a judgment passed by a Co-ordinate Bench of this Court (**reported in 2008(3) CHN 62, Amita Kundu (Rana) -Vs.- State of West Bengal & Ors.**) in support of his contention that any undertaking given for the disbursement of pensionary benefits cannot be held against the employee/petitioner for recovery of any purported overdrawn amount just prior to retirement or immediately after the same.

An accommodation is sought for on behalf of Mr. Bhattacharjee, learned counsel appearing for the



respondents.

Let this matter appear for further consideration on **March 28, 2023** under the heading **“Motion”**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon’ble Court.

(Lapita Banerji, J.)