

**W.P.A. 30531 of 2024**

**Rajendra Prasad Ghosh**  
**Vs.**  
**The State of West Bengal & Ors.**

Md. Manuwar Ali  
Ms. Moumita Karmakar  
...for the petitioner

Md. Salauddin Mollah  
...for the State

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

Petitioner retired on superannuation being Headmaster of higher secondary school on 31<sup>st</sup> December, 2020 and on issuance of Pension Payment Order retiral dues were released in favour of the petitioner. It is submitted by the learned advocate representing the petitioner that at the time of releasing retiral dues 3% additional increments which petitioner was enjoying from 1<sup>st</sup> July, 2007 being Headmaster of higher secondary school was found to be not payable to the petitioner and State-respondents directed the petitioner to refund the excess drawn amount for settling his pension case. Petitioner refunded the amount and received the retiral dues on issuance of Pension Payment Order on 23<sup>rd</sup> February, 2021. After a period of three years present writ petition has been instituted on 20<sup>th</sup> December, 2024 for refund of sum

which was deposited by the petitioner based on calculation made by the State authorities for settling the pension case of the petitioner.

Since petitioner has already received the retiral dues in terms of Pension Payment Order dated 23<sup>rd</sup> February, 2021, there is no scope for passing any interim order. The issue involved in this writ petition needs to be decided on exchange of affidavits.

Let affidavit-in-opposition to this writ petition be filed by 4 (four) weeks from date. Affidavit-in-reply thereto, if any, be filed by 2 (two) weeks thereafter.

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

**(Saugata Bhattacharyya, J.)**