

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 306 OF 2013

PRASANTA KR. BHOWMICK Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>24</p> <hr/> <p>10.09.2018</p>	<p>For the Applicant : Mr. S. N. Ray Advocate</p> <p>For the State Respondent: None</p> <p>In this application, the applicant, who was a Grade-I Punch Operator, at the time of superannuation on 31st October, 2011, has challenged the memo dated 30th December, 2012 being annexure 'D' to the application, whereby direction was issued to adjust the overdrawal amount of Rs.2,53,479/- on the ground of drawal of Pay and House Rent Allowance by the applicant.</p> <p>It appears from records that the matter was admitted and directions were issued to file affidavits. Affidavits have been filed and are on record. It appears from paragraph 8 of the reply that the respondents have stated that out of total overdrawal amount of Rs.2,53,479/- the applicant had overdrawn an amount of Rs.1,53,058/- which related to drawal of excess House Rent Allowance for the period from February, 1991 to September, 2010, as his wife, a School Teacher of Kendriya Vidyalaya Sangathan, Salt Lake Kolkata, also drew full House Rent Allowance, a fact not mentioned in the application. The</p>	

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	<p>said fact has not been denied in paragraph 8 of the rejoinder filed by the applicant.</p> <p>It is submitted by Mr. S.N. Ray, learned advocate for the applicant that the allegation of withdrawal of house rent allowance of Rs.1,53,058/- is incorrect as though his wife serving in Kendriya Vidyalaya Sangathan, Salt Lake Kolkata drew house rent allowance, the entire drawal was within the ceiling limit prescribed under law and was also disclosed before the authorities. We find that that said disclosure, if at all, is not on record before us. Mr. Ray submits that if an opportunity is given, the applicant can produce records showing full disclosure already made before the authority concerned. In such view of the matter, considering the facts and circumstances of the case, this application is disposed of by granting liberty to the applicant to file representation ventilating his entire grievances and also stating that he had already made full disclosure before the authorities, annexing copies of relevant documents which have not been annexed to this application, before the Milk Commissioner, Directorate of Dairy Development, Kolkata, respondent no.2 within one month from the date of receipt of the certified copy of this order. If such representation is filed within the time as specified, the Milk Commissioner, Directorate of Dairy Development, Kolkata, respondent no.2 shall dispose of the same by passing a reasoned order to be communicated</p>	

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SCN.	<p>to the parties within ten weeks after giving an opportunity of hearing to the applicant and to his wife and after verifying the records. If necessary the respondent no.2 is at liberty to direct the wife of the applicant to produce documents relating to her drawal of house rent allowance. It is, however, made clear that we have not gone into the merits of the matter and all points are left open to be dealt with by the Milk Commissioner, Directorate of Dairy Development, Kolkata, the respondent no.2 if representation is filed within the time as mentioned.</p> <p style="text-align: center;">No order as to costs.</p> <p style="text-align: center;">Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(Soumitra Pal) CHAIRMAN</p>	