

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – OA 951 OF 2014

ACHYUTANANDA DEY Vs The State of West Bengal & Ors.

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<p>16</p> <hr/> <p>04.04.2018</p>	<p>For the Applicant : None</p> <p>For the State Respondent: Mr. A.L. Basu Learned Advocate</p> <p>For the Principal Accountant : Mr. Biswanath Mitra General (A&E) West Bengal Departmental Representative</p> <p>The applicant has prayed for direction upon the respondents to pay interest for delayed payment of gratuity of Rs.1,19,117/- (Rupees one lakh nineteen thousand one hundred and seventeen only) for the period from January 31, 2005 to March 27, 2012.</p> <p>It appears from the materials on record that an amount of Rs.1,19,117/- (Rupees one lakh nineteen thousand one hundred and seventeen only) was deducted from the amount of gratuity of the applicant erroneously by the respondents. The applicant moved the Tribunal by filing original application No. 557 of 2010 praying for refund of the amount of Rs.1,19,117/- (Rupees one lakh nineteen thousand one hundred and seventeen only) along with interest. On August 29, 2011 this Tribunal disposed of the said original application No. 557 of 2010 by directing the respondents to refund Rs.1,19,117/- (Rupees</p>	

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	<p>one lakh nineteen thousand one hundred and seventeen only) to the applicant within a period of four months with intimation to the office of the Accountant General, West Bengal. It is relevant to point out that the Tribunal did not give any direction to the respondents to pay interest on the amount of Rs.1,19,117/- (Rupees one lakh nineteen thousand one hundred and seventeen only), though the applicant prayed for payment of interest on the said amount of gratuity. Now, the applicant has prayed for interest on the said amount of gratuity of Rs.1,19,117/- (Rupees one lakh nineteen thousand one hundred and seventeen only) for the period from January 31, 2005 to March 27, 2012.</p> <p>None appears on behalf of the applicant on call. Mr. Apurba Lal Basu, Learned Counsel, representing the State respondents has referred to the reply filed by the State respondents and submitted that the Tribunal did not give any direction for payment of interest and as such the present application is barred by principle of res judicata. Since the issue of interest was raised by the applicant in the previous application being original application No. 557 of 2010 and since the Tribunal did not give any direction for payment of interest, we are of the view that the said issue was decided on merit in the previous original application No. 557 of 2010 and as such the said issue cannot be agitated in the present application on the</p>	

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SCN.	<p>principle of res judicata. Thus, we fully agree with the submission of Mr. Basu that the present application is barred by res judicata. In view of our above findings the applicant is not entitled to get any relief in the present application and as such, the present application is dismissed.</p> <p>Let a plain copy of the order be supplied to the State respondent and to the respondent, Principal Accountant General, West Bengal.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	