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| Serial No. andDate of order. 1 | Order of the Tribunal with signature2 | Office action with date and dated signature of parties when necessary3 |
| **16****26.02.2018****Sanjib** | **For the Applicant : Mrs. Rama Halder (Santra),** **Learned Advocate.****For the Respondents : Mr. S. Ghosh,** **Learned Advocate.****For the AG, WB : Mr. B. Mitra,** **Departmental Representative.**  The applicant has filed this original application under section 19 of the Administrative Tribunals Act, 1985 praying for direction upon the respondents to release the balance amount of gratuity to the tune of Rs.44,249/- along with interest @ 10% per annum in favour of the applicant.  The contention made on behalf of the applicant is that the applicant took house building advance of Rs.1,04,000/- in two equal instalments on the basis of order dated December 3, 1997. According to the applicant, the applicant repaid the entire housing building advance in different instalments without any break and also repaid the amount of interest on the house building advance, but Rs.44,249/- was recovered from his gratuity amount on the pretext that the total amount of interest was not repaid by the applicant.  On consideration of the report submitted by the Deputy Accountant General (Pension), Office of the Accountant General (A&E), West Bengal, it appears that the applicant did not repay instalment of house building advance for about 20 (twenty) months at the initial stage from April 1998 to December 1999 and the applicant is bound to pay penal interest for the aforesaid period. The report further indicates that the applicant paid Rs. 21,000/- as interest during his period of service and as such the respondent no. 4 is duty bound to recover balance amount of interest to the tune of Rs. 42,169/- from the retiral benefits of the applicant. What transpires from the materials on record is that the said respondent no. 4 has taken step for recovery of Rs. 44,249/- as interest from the amount of gratuity, whereas the actual amount which should have been recovered from the gratuity is Rs. 42,169/-. Accordingly, we find that excess amount of Rs.2,080/- was recovered from the total amount of gratuity payable to the applicant. In view of our above findings, we are unable to accept the contention made on behalf of the applicant that the respondent no. 4 has illegally recovered an amount of Rs.44,249/- from the amount of gratuity payable to the applicant. Since the excess amount of Rs.2,080/- was recovered from the gratuity of the applicant in the month of June, 2010, we are of the view that the applicant is entitled to get the said amount of money along with interest @ 8% per annum from the 1st day of July, 2010 till the date of repayment of the entire amount to the applicant. We are informed that the respondent no. 6, Block Medical Office of Health, Sabang Rural Hospital is responsible for disbursing the excess amount to the applicant. Accordingly, the respondent no. 6 is directed to disburse the excess amount of Rs.2,080/- along with interest @8% per annum from July 1, 2010 till the date of repayment of the amount to the applicant within a period of 12 (twelve) weeks from the date of this order.  With the above direction, the present application stands disposed of. Let a plain copy of this order be supplied to both the parties. **( S.K. DAS ) ( R. K. BAG )**  **MEMBER(A)**  **MEMBER (J)** |  |