

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 495 OF 2017**

**Dipak Kumar Maity** 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
<b>03</b> <b>27.03.2018</b>	<p><b>For the Applicant</b> : Mr. A.K. Banerjee, Learned Advocate.</p> <p><b>For the Respondents</b> : None.</p> <p>Affidavit of service filed on behalf of the applicant is kept on record.</p> <p>None appears on behalf of the respondents.</p> <p>The applicant has prayed for direction upon the respondents to consider the representation submitted by the applicant on April 25, 2017 for the purpose of refund of Rs.80,925/-, which was deposited as excess of salary received by the applicant on the basis of letter dated November 10, 2015 issued by the respondent no. 7.</p> <p>The contention of the applicant is that the applicant retired from service as Sub Assistant Engineer but his retirement benefits were not released on the allegation of drawing of excess amount of salary. The further contention made on behalf of the applicant is that the retirement benefits and pension have been released only after refund of excess salary drawn by the applicant. The grievance of the applicant is that the direction given to the applicant for refund of Rs.80,925/- was illegal and arbitrary, for which the applicant submitted one representation before the respondent no. 5 and others on</p>	

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Form No. ....

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April 25, 2017, but the said representation has not yet been considered and disposed of.

Having heard Learned Counsel for the applicant and on consideration of the background of filing the present application, we direct the respondent no. 5, Director of Personnel & Ex-Officio Chief Engineer, Irrigation & Waterways Directorate, Government of West Bengal to consider the representation submitted by the applicant on April 25, 2017 (Annexure-P11 to the original application) in accordance with law after giving the applicant an opportunity of hearing within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 (two) weeks thereafter.

The applicant is directed to serve copy of this order, copy of the original application along with annexures on the respondent no. 5 by Speed Post within a period of 2 (two) weeks from this date.

With the above direction, the original application is disposed of.

Let a plain copy of this order be supplied to Learned Counsel for the applicant.

Sanjib

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)