

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 711 OF 2014**

Gora Chand Bej 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
12 30.08.2018	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to refund an amount of Rs.69,570/- which has already been drawn by the applicant as service gratuity after retirement.</p> <p>The applicant was appointed as Khalasi on July 1, 1984 and was regularised in service on April 18, 1996 and retired from service on June 30, 2006. By virtue of the order dated December 19, 2012 passed by the Hon'ble High Court in WPST No. 335 of 2012, the applicant is getting pension w.e.f. April 1, 2008 on the basis of order passed by the AG (A&amp;E), West Bengal on April 16, 2014. The applicant received service gratuity to the tune of Rs.69,570/- before release of pension in favour of the applicant on the ground that the applicant is not entitled to get pension for not completion of 10 years of qualified service for pension. Since the applicant is receiving pension by virtue of the order passed by the Hon'ble High Court, the applicant is entitled to</p>	

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get only retiring gratuity to the tune of Rs.39,250/-. So, the applicant is duty bound to refund the excess amount of service gratuity to the tune of Rs.30,320/-.

Mr. Mitra, the Departmental Representative of respondent AG (A&E), West Bengal, submits that the excess payment of service gratuity has been realised from the amount of relief on basic pension of the applicant. The applicant cannot have any grievance for readjustment of the retirement benefit particularly when excess payment was made to the applicant on account of retirement benefit.

In view of our above findings, we do not find any merit in the present application and as such the present application is **dismissed**.

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

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

Sanjib