

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –MA 114 of 2022 (OA 23 of 2021)

Sanjoy Kumar Roy. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. B. B. Chaklanabis, Advocate.
<u>05</u> 02.08.2023.	For the State Respondents	: Mr. D. Kole, Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt. II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Liberty is given to the applicant to add the Principal Accountant General (A&E), West Bengal as a respondent in the cause-title during the day. Let a copy of this application and OA-23 of 2021 be served upon the Office of the Principal Accountant General (A&E), West Bengal.

The prayer in this application is for condonation of delay in filing the original application OA-23 of 2021. The prayer in the original application is for a direction to the respondent authorities to refund an amount of ₹ 98,000/- which was deducted from his salary as excess amount paid. The applicant had retired as a Compositor under the Department of Commerce and Industries on 31.01.2013.

Mr. Chaklanabis refers to the Tribunal's order dated 17.02.2020 in OA-971 of 2019 by which the application was withdrawn with liberty to file separate application before the Tribunal. His submission is that since an application was earlier filed in this Tribunal, therefore, the delay should be counted from the date this application was filed.

Mr. Chaklanabis prays for an accommodation to file a copy of

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the document or information on the next date regarding the date when such overdrawn amount was deducted.

It is clear that only after the relevant document is filed before this Tribunal by the Office of the Principal Accountant General (A&E), West Bengal or by the applicant, the actual date of alleged deduction of the overdrawn amount will be known and thus help in deciding the date from which the cause of action started. Let Principal Accountant General (A&E), West Bengal inform the date when this amount was allegedly deducted.

Let the matter appear under the heading "For Orders" on 04.01.2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

CSM/SM