

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. – OA- 219 of 2020

Samir Kumar Ghosh - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. G.P. Banerjee,
Learned Advocate.

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02.09.2024.

For the State Respondents

Ms. Ruma Sarkar,
Mr. S. DebRoy,
Mrs. A. Bhattacharya,
Learned Departmental Representatives.

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.

The prayer in this application is for a direction to the respondent authorities to refund him Rs. 66,748/- with interest after setting aside the impugned order dated 30.09.2010. The District Magistrate, Hooghly passed his order on this date after hearing the applicant. In the reasoned order it is stated that on a subsequent date it was detected that the promotion order given to the applicant vide Order No. 1595 dated 18.11.2008 was done erroneously. Further detailed reasons are given as to why the applicant was given such defective promotion order. The applicant through his representation appears to be stating that even if it was given by mistake, the applicant should not have been made responsible for it. In other words, it appears to the Tribunal that the applicant knowing that it was a defective order, however, pressed for its implementation. The Deptt. has submitted that the state respondents are empowered to rectify any mistakes relating to pay and promotions, if such mistakes are detected at a later stage. The Tribunal also finds that after such detection, the applicant was advised to return the overdrawn amount of Rs. 66,748/- which was complied and refunded by the applicant. A copy of document dated 03.09.2012 reveals

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that the applicant had submitted a letter to the Special Land Acquisition Officer, Hooghly refunding the amount through Treasury Challan.

The Tribunal is not satisfied that without protest once such amount has been refunded, the applicant does not have any right to challenge at a later stage. Though, Mr. Banerjee, learned counsel admits that such an amount was refunded after a direction was given to the applicant but the applicant was never given an opportunity to be heard before such recovery was made. The Tribunal after going through the records is not satisfied that the prayer for refund of this amount has any merit and is thus disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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