

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 257 OF 2024

SONTOSH KUMAR SARKAR - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
28.01.2025

For the Applicant : Mr. Manujendra Narayan Roy
Mr. Arindam Mitra
Advocates

For the State Respondents : Mr. Soumendra Narayan Ray
Advocate

For the Principal Accountant : Mr. Biswanath Mitra
General (A&E) West Bengal (Departmental Representative)

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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Mr. S. N. Ray, learned counsel presents a report from the Enforcement Branch showing reference to the observations of the Principal Accountant General regarding wrong fixation of the pay and consequent overdrawn amount of Rs. 1,06,813/-. The Principal Accountant General further advises to recovery of this overdrawn amount from the retiring gratuity.

Mr. M. N. Roy, learned counsel is emphatic in his submission that this case is fully covered by (ii) of the judgement in Rafiq Masih's case (2015) 4 SCC 334. Mr. Roy, further submits that in terms of this judgement, the Central Government had published a Memo. which he would like to present before this Tribunal. As regards to Rafiq Masih's

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case pointed out by Mr.Roy, learned counsel for the State side though does not disagree, but has submitted that such recovery is covered under Rule 140 of West Bengal (DCRB) Rules, 1971.

Let the matter appear under the heading "For Orders" on 8th April, 2025.

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

BLR