

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 257 of 2024.

SRI SONTOSH KUMAR SARKAR - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
19.09.2024

For the Applicant : Mr. M.N. Roy,
Mr. A. Mitra,
Advocates.

For the State Respondents : Mr. S.N. Ray,
Advocate.

For the Principal Accountant General (A & E) W.B. : Mr. B. Mitra,
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.

The name of the applicant, “**Santosh** Kumar Sarkar” be corrected as “**Sontosh** Kumar Sarkar” in the cause list.

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the Respondent authorities to refund the recovered amount of Rs. 1,06,813/- which was deducted from his retiring gratuity.

From the submissions of the learned counsels, it is understood that the Respondent authority, being the Deputy Inspector General of Police, Enforcement Branch had passed an order re-fixing the pay in memo 486 of 03.8.2023. After such re-fixation, the same Respondent authority communicated to the Principal Accountant General (A & E) West Bengal by memo 1219 dated 12.09.2023 that due to over drawn of the pay, an amount of Rs. 1,06,813/- is required to be recovered from the retiring gratuity. In terms of such decision, this amount of Rs.1,06,813/- was recovered from the applicant's retiring gratuity.

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THE STATE OF WEST BENGAL & ORS.

Mr. M.N. Roy, learned counsel argues that such recovery is in violation of the conditions as stipulated in (2015) 4 Supreme Court cases 334 in the matter of State of Punjab and others – versus- Rafiq Mashhi and Others (White Washer). Mr. M.N. Roy also wishes to file copies of orders passed by this Tribunal in similar matters.

Mr. S.N. Ray, learned counsel has been advised to take instruction and file a report before this Tribunal.

The matter is admitted.

Let the matter be listed on 28.01.2025 under the heading “For Orders”.

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

HS/Skg.