

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 404 of 2024

Swapan Kumar Saha -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. T. Chattopadhyay, Ld. Advocate.
For the State Respondents No. 3,4 & 5 : Mr. Soumendra Narayan Ray, Ld. Advocate.
For the State Respondents No. 1 & 2 : Ms. R. Sarkar,
Mr. S. Debray,
Mr. R. Bag,
Ld. Depttl. Reps.

02
16.01.2025

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.

Despite a direction dated 10.09.2024, the respondent authorities have not filed any reply in this matter before this Tribunal. Mr. Ray, learned counsel who has appeared today for the first time prays for accommodation to file such reply on behalf of the respondent nos. 3, 4 and 5.

Mr. Chattopadhyay, learned counsel who is appearing on behalf of the applicant draws my attention to an order passed by Hon'ble High Court in WPST 48 of 2023 and submits that in a similar matter, the Hon'ble Court has passed certain directions. The petitioner, Chittaranjan Biswas who like the present applicant was also promoted from the post of Group-D to Lower Division Clerk w.e.f. October 06, 2010 and his enhanced salaries were also paid. Later by a notice dated August 31, 2022, the Additional District Magistrate (G) having detected certain anomalies passed an order stating that the effective date of promotion to the post of LDC should have been 01.03.2013 instead of 31.01.2011. Similar to an order passed for this applicant, an order was also passed in the case of Chittaranjan Biswas and similar deductions were made from the pay of the petitioner. The Hon'ble High Court had quashed and set aside a portion of that notice dated 31.08.2022 with a direction to the respondent authorities not to recover excess amount from the petitioner's salary and refund whatever has been recovered earlier. The respondent authorities were further directed to invite a reply and consider such reply once submitted and take a decision following the principles of natural justice. Submission of Mr. Chattopadhyay is that the same respondent had also issued such a notice effecting the change of date of

Form No.

Case No. **OA-404 of 2024**

Vs.

The State of West Bengal & Ors.

promotion and recovered the excess amount from the applicant. Submission is that in view of the directions of the Hon'ble High Court, similar order may also be placed on the respondent authorities.

Having heard the submissions of the learned counsels and after examining the directions of the Hon'ble High Court in WPST 48 of 2023, the Tribunal is satisfied that both the matters are identical and identical action had been taken by the respondent authorities. Therefore, in view of the Hon'ble High Court's directions in WPST 48 of 2023, similar direction is also passed upon the respondent no. 3, the District Magistrate and Collector, Uttar Dinajpur not to recover any excess amount from the salary of the applicant and whatever has been recovered so far be refunded back to him. Further, as learnt from Mr. Chattopadhyay's submission, the applicant has filed a reply before the respondent authorities. If such reply has been received from the applicant, then it be examined and considered and a final decision be taken following the principles of natural justice.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SS/CSM