

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 466 of 2019

Debendra Nath Ash -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order
16
14.09.2023

For the Applicant : Mr. S.K. Nandi, Ld. Advocate.
For the State respondent : Mrs. S. Agarwal, Ld. Advocate.
For the Pr.AG(A&E), WB : Mr. B. Mitra, Depttl. Rep.

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.

Substitution of Sumanta Ash in place of Debendra Nath Ash has been allowed by this Tribunal's order in MA 64 of 2021. Let the name of Sumanta Ash be henceforth recorded as the applicant in this application.

The prayer in this application is for a direction to the respondents to refund an amount of Rs.1,83,978/- with interest @ 8% per annum which was recovered from the gratuity of the deceased father. It appears from the Annexure-B of the reply that the office of the Principal Accountant General (A&E), West Bengal had pointed out to the respondents that this amount was not entitled to be given to the applicant. The relevant portion of Annexure-B is as under :

“On scrutiny of the service book (part-1, page no. 15), it is found that the Govt. servant was allowed by virtue of Court Order the scale no. 2 instead of his feeder scale of pay (i.e. scale no. 1), and he was subsequently allowed the benefit of 10Y CAS in scale no. 3, 20Y CAS in scale no. 4 & 25Y MCAS in scale no. 5 respectively in due times.”

Based on the above observations of the Principal Accountant General (A&E), West Bengal, the State respondent communicated to the office of the Principal Accountant General (A&E), West Bengal on 06.02.2018 that the said amount may be recovered from the retiring gratuity.

Heard the learned counsels, the matter is admitted.

To refute the points raised by the State respondents in their reply, Mr. Nandi prays for accommodation to file rejoinder by the next date.

Let rejoinder be filed by the next date and the matter to appear under the heading “**Reply/Rejoinder**” on 13.02.2024.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)