

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. –OA 486 OF 2021

AJOY KUMAR MAHATO - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
01.02.2022

For the Applicant

: Mr.Masood Karim
Mr.Arpa Chakraborti
Advocates

For the State Respondents

: Mr.Manujendra Narayan Roy
Advocate

For the Principal Accountant
General (A&E) West Bengal

: Mr.Biswanath Mitra
(Departmental Representative)

It is submitted by Mr.M.Karim, learned advocate that though the applicant has not taken loan from the Vidyasagar Central Co-operative Bank Ltd. Goaltore Branch through Goaltore Jute Seed Multiplication Farm Krishi Shramik ECCS Ltd., the respondents have withheld the entire superannuation dues including gratuity. Assuming the applicant has taken loan, the respondents may be directed to release the superannuation benefits minus gratuity.

Mr.M.N.Roy, learned advocate appearing on behalf of the State respondents submits on instruction since the applicant has taken loan, though sanction order was issued, the superannuation benefits have been withheld.

Mr.B.Mitra, the Departmental representative for the Principal Accountant General (A&E) West Bengal, the respondent no. 2(iii) relying on an intimation dated 6th January, 2022 issued by the Senior Accounts Officer addressed to the Assistant Director of Agriculture (Farm Superintedence) Jute Seed Multiplication Farm, Goaltore, Paschim Midnapur submits that in case of default in making payment of loan by an employee, the D.D.O. can only deduct

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such outstanding amount from salaries or wages and other superannuation benefits and request was made to consider the desirability of allowing at least monthly pension to the applicant. At present with regard to payment of gratuity and recovery of outstanding loan the authorities were requested to re-examine the matter in view of the pending Original application. Let a copy of the letter dated 6th January, 2022 be kept on record.

In view of the submissions made by the parties, let the matter appear under the heading "Admission Hearing" on 15th February, 2022, to enable the learned advocates for the parties to take instruction.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

BLR