

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 861 OF 2021

SANTANU ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. Amarnath Sen,
Ms. Sangeeta Roy,
Ms. Monalisa Maity,
Advocates

3
14.07.2021

For the Respondents

: Mr. Gautam Pathak Banerjee,
Advocate

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

: Mr. Biswanath Mitra,
Departmental Representative

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

As prayed for by Ms. Monalisa Maity, learned advocate for the applicant, leave granted to add the Commercial Tax Officer, Drawing and Disbursing Officer, Coochbehar, as a party respondent by amending the cause title of the original application. Since Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondent nos. 1 to 3 accepts service of notice on behalf of the added respondent, no further copy of the application be served on the said respondent.

In this application, Santanu Roy, the applicant has prayed for certain reliefs, the relevant portion of which is as under:-

- (a) *The Respondent Authority be directed to immediately release the Retiral Benefits including the Pension and the Arrear Pension, GPF, GIS, Leave Salary and Gratuity in favour of your applicant.*
- (b) *The Respondent authority particularly the respondent No.2 be further directed to release your applicant's needful amount till the disposal of this application."*

ORDER SHEET

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Vs.
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It appears from the application that the applicant had joined the post of Inspector of Commercial Taxes on 2nd July, 1990 under the Commissioner, Commercial Taxes, Directorate of Commercial Taxes, Finance (Revenue) Department, Government of West Bengal, Kolkata. Thereafter, he was promoted to the post of Commercial Tax Officer. Subsequently, he served in the post of Assistant Commissioner of Revenue in the cadre of West Bengal Commercial Tax Service on Bardhaman Charge.

It has been stated that on 25th August, 2018 and thereafter, again on 19th September, 2018, the applicant made a representation for voluntary retirement of service on completion of 28 years of qualifying service on the ground of health. The State respondents after considering the representations by an order contained in the memorandum dated 12th February, 2020 issued by the Additional Secretary to the Government of West Bengal allowed the applicant to retire voluntarily from government service with effect from 29th February, 2020 “*to spend rest of his life in spiritual pursuit, in terms of G.O. No.6620-F dated 20.08.1981*”.

It is submitted by Ms. Maity that though the applicant was allowed to retire voluntarily, however as retiral benefits including pension and arrear pension, GPF, GIS, Leave Salary and gratuity are yet to be released, this application has been filed for redressal of his grievances. Prayer is the reliefs as prayed for may be granted.

Mr. Banerjee submits, on instruction, that since a sum of Rs. 1,88,624/- is due from the applicant on account of overdrawal of pay and allowances which was intimated to the applicant by memo dated 23rd April, 2021 and memo dated 22nd February, 2022 and was requested to refund the said overdrawn amount, as the amount is yet to be refunded, in view of Rule 140 of WBS (D.C.R.B.) Rules, 1971, the amount has been withheld. Submission is it shall be released as soon as the applicant refunds the said amount of Rs. 1,88,624/-.

Mr. Biswanath Mitra, departmental representative for the Principal

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Accountant General (A&E), West Bengal submits, on instruction, that the authorities have paid a sum of Rs.7,01,892/- as GPF amount on 1st July, 2020 and the learned advocate for the State and the added respondent has confirmed the same.

It is submitted on behalf of the applicant that the overdrawn amount, if at all payable by the applicant, be deducted by the respondents from the gratuity in terms of Rule 140 of WBS (D.C.R.B.) Rules, 1971.

Let copies of the memo dated 23rd April, 2021 and 22nd February, 2022 filed be kept on record.

Heard learned advocates for the parties.

SCN. It appears from the submission on behalf of the Principal Accountant General (A&E), West Bengal that a sum of Rs.7,01,892/- as GPF amount has already been paid on 1st July, 2020 and the concerned Drawing and Disbursing Officer, the added respondent has confirmed the same. So far as a sum of Rs. 1,88,624/- being due from the applicant, on account of overdrawal pay and allowances, let the Drawing and Disbursing Officer, Cooch Behar, the added respondent issue necessary orders and / or instructions for deduction of the said amount from the gratuity payable to the applicant after verifying the records within a period of four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and thereafter shall issue necessary orders / instructions within four weeks for release of the balance superannuation benefits, including pension, to the applicant after verifying the records.

(SOUMITRA PAL)
CHAIRMAN