

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. – OA 882 OF 2019**

GADADHAR GHOSH - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

14
27.09.2023

For the Applicant : Mr.Sankha Ghosh
Advocates
For the State Respondents : Mr. Soumendra Narayan Ray
Advocate
For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (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.

On consent of the learned counsels and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to pay and disburse all the pensionary benefits and arrears thereof without recovering the amount of Rs. 3,76,810/- from his Gratuity. The applicant has also by the amended prayers prayed for a direction to the concerned respondent to refund the sum of Rs. 3,76,810/- which was deducted from his Gratuity. By the advice of the Principal Accountant General (A&E) West Bengal by Memo. dated 27.12.2016 the office of B.D.O. Khargram had deducted such excess payment from the Gratuity.

Earlier, the applicant had also filed an application in this Tribunal and the same was disposed of in OA-1040 of 2014 on 12.06.2015 relating to his pension. The order sheet of the respondent, B.D.O.

ORDER SHEET

Form No.

GADADHAR GHOSH

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THE STATE OF WEST BENGAL & OTHERS.

Khargram is not in this application and without it, the Tribunal is not in a position to examine whether such deduction was valid in law or not.

Mr.S.N.Ray, learned counsel agrees to take instruction and file a copy of this document on the next date.

The matter is admitted. Let the matter appear under the heading "For Orders" on 20th December, 2023.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR