

ORDER SHEET

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 – 556 of of 2024

Sabyasachi Roy - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

02
16.12.2024

For the Applicant : Mrs. S.Agarwal,
Learned Advocate.

For the State : Mr. S.K.Mondal,
Respondents Learned Advocate.

For the A.G.W.B. : Mr. B.Mitra,
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.

The prayer in this application for the Tribunal to refund the applicant a sum of Rs. 10,47,641/- which was recovered from her retiral gratuity in the name of allegedly overdrawn amount. Attention has been drawn to the civil appeal no. 5765 of 1997. Submission of Mrs. Agarwal is that the Hon'be Supreme Court of India in its order had clearly noted that any amount paid to the respondents on account of special pay or any other allowance, there would be no recovery of the same. In terms of an order of the Hon'ble Apex Court as mentioned above, the Finance (Audit Department) by memo no. 778-F (Law) /IN-45/98 dated 11/08/2004 passed an order.

The matter is admitted.

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Form No.

Sabyasachi Roy

Vs.

Case No **OA - 556 of 2024**

THE STATE OF WEST BENGAL & OTHERS.

Let the matter appear under the heading **Hearing** on
07/02/2025.

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

WEST BENGAL ADMINISTRATIVE TRIBUNAL