

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das

Case No – MA 22 of 2016 [**OA 1100 OF 2014**]

**Smt. Kalyani Munshi** Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
15 02.04.2018	<p><b>For the Applicant</b> : Mrs. S. Mukherjee, Learned Advocate.</p> <p><b>For the Respondent Nos. 2 &amp; 5</b> : Mr. S. Bhattacharjee, Departmental Representative.</p> <p><b>For the Respondent No. 3</b> : Mr. R.A. Chowdhury, Mrs. S. Bandyopadhyay, Learned Advocates.</p> <p><b>For the AG (A&amp;E),WB</b> : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for modification of the order dated September 30, 2015 passed by this Tribunal in connection with OA-1100 of 2014, by which the Tribunal gave direction to the District Magistrate and Collector, Dakshin Dinajpur to refund the amount of Rs.3,17,613/- to the applicant, which was deducted wrongly from retiring gratuity and arrears of pension along with interest @ 8% per annum on the said amount.</p> <p>By referring to copy of challans dated January 15, 2003 and January 24, 2003 annexed to the O.A. No. 1100 of 2014, Learned Counsel for the applicant submits that the applicant deposited Rs.33,000/- on January 15, 2003 and Rs.41,733/- on January 24, 2003 towards recovery of gratuity and pensionary benefits of the applicant. On scrutiny of record, we find that the applicant had overdrawn an amount of Rs.74,733/- for the period from 01.04.1989 to 30.04.2002 towards 20 years' service benefit</p>	

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**Smt. Kalyani Munshi**

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **MA 22 of 2016 [OA 1100 OF 2014]**

erroneously. Accordingly, the applicant was directed to deposit overdrawn amount of Rs.74,733/- by way of treasury challan, so that the case of the applicant can be considered for giving her pay protection vis-a-vis her juniors. The applicant had overdrawn an amount of Rs.74,733/- erroneously as 20 years' service benefit for the period from 01.04.1989 to 30.04.2002 and the said amount was refunded by the applicant by depositing the amount through treasury challan in the month of January 2003 and as such there is not much gap in drawing the amount and deposit of the amount, which happened when the applicant was still in service. As a result, this amount cannot be tagged with the amount of gratuity or pensionary benefits which were refunded to the applicant by the order of the District Magistrate and Collector, Dakshin Dinajpur.

In view of our above findings, we cannot persuade ourselves to modify the order dated September 30, 2015 passed by the Tribunal in connection with OA-1100 of 2014.

MA-22 of 2016 is, thus, disposed of.

Let a plain copy of this order be supplied to all the parties.

Sanjib

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

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