

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 429 of 2018**

Md. Nazim Hossain

Versus

The State of West Bengal & Others. .

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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08/08/2018

For the Applicant : *Mr. M. Rahaman,*
Learned Advocate.

For the State Respondents : *N O N E.*

The applicant has prayed for direction upon the respondents to disburse the amount of retiring gratuity after deduction of admissible dues from the amount of gratuity.

The contention of the applicant is that he retired from the post of Upper Division Clerk in the Department of Higher Education, Government of West Bengal on February 29, 2008. The further contention of the applicant is that he has received all retirement benefits except gratuity as the amount of gratuity has not been settled by the authority concerned in spite of giving several reminders by the applicant. It appears from the materials on record that the applicant did not repay interest on House Building Advance to the tune of Rs.40,068/- and as such, the retiring gratuity of the applicant was not released. The Pension Sanctioning Authority has the right to recover interest on House Building Advance from the retiring gratuity of any Government employee as per provisions of Rule 140(2) of West Bengal Services (Death-cum- Retirement Benefit), Rules 1971.

None appears on behalf of the state respondents.

We have heard the Learned Counsel for the applicant who submits that the retiring gratuity of

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	<p><i>the applicant may be released after deduction of interest on House Building Advance as the applicant has not yet received gratuity during last 10 years after retirement.</i></p> <p><i>Under the above circumstances, the respondent no.1, the Principal Secretary to the Government of West Bengal, Department of Higher Education is directed to take necessary steps for release of retiring gratuity of the applicant after deduction of interest on House Building Advance to the tune of Rs.40,068/- within a period of twelve weeks from the date of communication of the order.</i></p> <p><i>The applicant is directed to serve a copy of this order along with copy of the original application and annexures thereto on the respondent no. 1 by Speed Post within a period of four weeks from this date.</i></p> <p><i>With the above direction, the original application stands disposed of.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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