ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Justice Soumitra Pal & The Hon'ble Subesh Kumar Das

Case No - OA 1041 OF 2016

Asoke Dutta Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tri	bunal with signature 2	Office action with date and dated signature of parties when necessar
10	For the Applicant	: Mr. S.K. Nandi, Learned Advocate.	
25.01.2019	For the Respondents :	Mr. G.P. Banerjee, Learned Advocate.	
	Though the matter has	appeared under the heading "To Be	
	Mentioned", on the prayer of N	Mr. S.K. Nandi, Learned Advocate for	
	the applicant the matter is t	aken up for hearing which is not	
	opposed by Mr. G.P. Banerjee	e, Learned Advocate for the State in	
	his usual fairness. In this appl	ication, the applicant has prayed for	
	refund of Rs.89,951/- recovere	d from retiring gratuity. It appears	
	that the applicant had entered	d police service in West Bengal as	
	Constable on 8 th November, 19	981. Subsequently, he was promoted	
	as Grade-I Police Driver and u	ultimately, he retired on 31st January,	
	2016. It appears from the said	superannuation benefit that a sum of	
	Rs.89,951/- has been deducted	on the ground of overdrawal of pay	
	and allowances.		
	It is a settled position	of law that after retirement money	
	cannot be recovered in the 1	nanner which has been done from	
	retiring gratuity. Therefore,	such recovery is not permissible in	
	law. Hence, such deduction is set aside and quashed. This		
	application is allowed. The Commandant, State Armed Police, 8 th		
	Battalion, Barrackpore, North 24-Parganas the respondent no. 4 is		
	directed to refund the said amount of Rs.89,951/- within eight weeks		
	from the presentation of a copy of this order. The application is		
	disposed of.		
H.S/CSM/SS	(S.K.DAS)	(SOUMITRA PAL)	
	Member (A)	CHAIRMAN	

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Farma Na	VS. The State of West Bengal & Ors.	
Form No.		
Case No. OA XX OF 20XX		