

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 1175 of 2015**

Mita Chakraborty

Versus

The State of West Bengal & Ors.

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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29/11/2018

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.

For the State Respondent : N O N E.

The applicant has prayed for direction upon the respondents for setting aside Memo No. 2480/35/1A-10/08 dated July 13, 2015 by which the applicant is not entitled to get Dearness Allowance and House Rent Allowance after joining in Group 'C' post.

It appears from the materials on record that the applicant was appointed in Group 'C' post on compassionate ground by order dated August 01, 2014 issued by the District Registrar, Murshidabad. The contention of the applicant is that the applicant got benefit of DA & HRA after joining in the Group 'C' post in the office of the District Registrar, Murshidabad. The further contention of the applicant is that the Respondent No. 5 has issued one letter on August 20, 2015 by which the applicant is not entitled to draw DA & HRA and the mistake cropped up in the previous order of appointment was rectified.

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| | <p><i>None appears on behalf of the state respondents. We have heard Mrs. Sonali Mitra, Learned Counsel for the applicant who submits that the applicant was not given an opportunity of hearing before deduction of excess payment made to the applicant on account of DA & HRA after his joining in Group 'C' post in the establishment of District Registrar, Murshidabad.</i></p> <p><i>On consideration of the provisions of West Bengal Services (appointment, probation and absorption of Group 'C' employees) Rules, 2013 we find that the person joining in Group 'C' post is entitled to get only Basic Pay plus Grade Pay with annual increment of 3% per annum and Medical Allowance during the period of probation as per provisions of Rule 8 of the said rules. Since the provisions of West Bengal Services (appointment, probation and absorption of Group 'C' employees) Rules, 2013 was in force at the time of issuance of appointment letter in favour of Group 'C' employee on August 01, 2014, the applicant is entitled to get only Basic Pay plus Grade Pay and Medical Allowance along with annual increment @ 3% per annum during the period of probation.</i></p> <p><i>Since there is no provision for payment of DA & HRA under the said rules of 2013 in favour of Group 'C'</i></p> | |

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| | <p><i>employee during the period of probation, the applicant has overdrawn the amount of DA & HRA immediately after joining in Group ‘C’ post in the establishment of the District Registrar, Murshidabad. Accordingly, the excess payment drawn by the applicant was duly deducted by the authority concerned and the applicant should not have any grievance in this respect.</i></p> <p><i>In view of our above findings, we do not find any merit in the original application. As a result, the original application stands disposed of.</i></p> <p><i>Let a Plain Copy of the order be supplied to both parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p> | |

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