

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 196 of 2013.

**DEBI PRASAD SAHA – VS- THE STATE OF W.B. & 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
<p style="text-align: center;">22</p> <hr/> <p>18.9.2018.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent : Mr. A. Datta, Departmental Representative.</p> <p>In this application the applicant, who had retired as Revenue Officer on 27<sup>th</sup> February, 2009 from the office of Block Land and Land Reforms Office, Murarai – I, Birbhum, has challenged the deduction of Rs. 1,54,094/- from gratuity as it was allegedly overdrawn by him. Mrs. S. Mitra, learned advocate appearing on behalf of the applicant referring to the reply filed by the respondent submits that as it is evident that there was no illegality or misrepresentation on the part of the applicant, direction may be issued to the respondents to refund the said sum of Rs. 1,54,094/- along with interest. Mrs. Mitra has referred to the judgements in Shyam Babu Verma and others –Versus- Union of India: 1994(2)SCC 521, Syed Abdul Quadir and others –Vs- The state of Bihar and others: 2009(1)SCC 163 and in State of Punjab and Others –Vs- Rafiq Masih (White Washer) and Others: (2015) 4 SCC 334, particularly paragraph 18 thereof, in</p>	

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	<p>support of her case. Submission is that the instant case is squarely covered by the principles of law laid down in Rafiq Masih (supra).</p> <p>Mr. A. Datta, departmental representative referring to the reply filed by the respondents submits that such deduction was in accordance with law.</p> <p>Having heard Mrs. Mitra , learned advocate for the applicant and Mr, Dutta , the departmental representative of L &amp; LR Department, and considering the facts and circumstances of the case as admittedly there was no fault or illegality on the part of the applicant, the said deduction of Rs. 1,54,094/- cannot be sustained and is thus set aside and quashed. The Sub Divisional Land and Land Reforms Officer – respondent no. 6, that is the pension sanctioning authority, is directed to refund the said sum of Rs. 1,54,094/- to the applicant along with interest at the rate of 8 per cent per annum within ten weeks from the date of presentation of a copy of this order. The said respondent no. 6 shall calculate the rate of interest from the date on which gratuity was released till the month preceding the month</p>	

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Skg.	<p>in which the payment is made. The application is allowed.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	