

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 260 of 2017**

Pratima Devpurkayastha

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.

1

2

3

04
04/10/2018

For the Applicant : Mr. S.P. Mukherjee,
Mr. S. Bose,
Ld. Advocates.

For the State Respondent : Mr. S. Ghosh,
Ld. Advocate.

The applicant has prayed for direction upon the respondents not to deduct Rs. 3500/- per month from the salary of the applicant on account of excess payment of House Rent Allowance on cancellation of impugned letters/notifications dated March 18, 2016, July 02, 2016, August 21, 2016 and September 14, 2016 issued by Superintendent, Sub-Divisional Hospital, Durgapur.

It appears from the materials on record that the applicant has been working as Staff Nurse in Sub-Divisional Hospital at Durgapur. The applicant joined in the Sub-Divisional Hospital at Durgapur on June 20, 2002 and occupied government quarters till the month of December 2015. The contention made on behalf of the applicant is that the applicant did not draw any House Rent Allowance from June 20, 2002 to July 2014, but she has drawn House Rent Allowance from the month of August 2014 to December 2015. The respondent, Superintendent,

ORDER SHEET – (Continuation)

Form No.

Pratima Devpurkayastha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 260 of 2017**

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><i>Durgapur Sub-Divisional Hospital has intimated the applicant that she has overdrawn Rs. 3,77,136/- as House Rent Allowance during the period from June 20, 2002 to December 2015. On consideration of the materials on record we find that the applicant has not actually drawn any House Rent Allowance during the period from June 20, 2002 to July 2014, but he has drawn House Rent Allowance from August 2014 to December 2015. What we find from the materials on record is that the applicant occupied government quarters from the date of her joining at Durgapur on June 20, 2002 till the month of December 2015, while the husband of the applicant also occupied government quarters as a Doctor at Bankura.</i></p> <p><i>Mr. Ghosh, Learned Counsel representing the state respondents contends that the applicant is bound to refund the amount of House Rent Allowance admissible to her during the period from June 20, 2002 to December 2015 as the applicant and her husband occupied government quarters simultaneously. We are unable to accept this contention made on behalf of the state respondents that as the applicant occupied government quarters at Durgapur due to her posting as Staff Nurse in Sub-Divisional Hospital, Durgapur, while the husband of the applicant occupied government quarters as</i></p>	

ORDER SHEET – (Continuation)

Form No.

Pratima Devpurkayastha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 260 of 2017**

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><i>Medical Officer posted in Bankura Medical College and Hospital at Bankura. However, it was the duty of the applicant to submit declaration in the prescribed format every year in the month of January and in the month of July for receiving House Rent Allowance from August, 2014 to December, 2015 when both husband and wife were occupying government quarters as Government employees posted in different places. Mr. Mukherjee, Learned Counsel representing the applicant categorically submits that the applicant has already given the declaration in the prescribed format after receiving intimation in this regard from the Superintendent, Durgapur Sub-Divisional Hospital. The respondent, Superintendent, Durgapur Sub-Divisional Hospital will accept the declaration in the prescribed format submitted by the applicant in connection with occupying Government quarters and drawing of House Rent Allowance without further proceeding in this matter.</i></p> <p><i>Mr. Mukherjee contends that the respondent, Superintendent, Durgapur Sub-Divisional Hospital has already recovered about Rs. 38,500/- from the salary of the applicant @ Rs. 3500/- per month. The said respondent is duty bound to recover the balance amount of House Rent Allowance drawn by the</i></p>	

ORDER SHEET – (Continuation)

Form No.

Pratima Devpurkayastha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 260 of 2017**

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><i>applicant during the period from August 2014 to December 2015 by way of monthly instalment @ Rs. 3500/- from the salary of the applicant towards excess payment from August 2014 to December 2015.</i></p> <p><i>In view of our above findings the respondent, Superintendent, Durgapur Sub-Divisional Hospital is directed to recover admissible House Rent Allowance from the salary of the applicant during the period from August 2014 to December 2015 @ Rs. 3500/- per month after adjusting the amount of money already recovered from the salary of the applicant. The said respondent is further directed to accept the declaration submitted by the applicant in the prescribed format in connection with occupation of Government quarters and drawal of House Rent Allowance. The impugned letters/notifications dated March 18, 2016, July 02, 2016, August 20, 2016 and September 14, 2016 issued by the respondent, Superintendent, Durgapur Sub-Divisional Hospital are hereby quashed. With the above direction the original application stands disposed of. Let a Plain Copy of the order be supplied to both parties.</i></p>	

Csm

S. K. DAS
MEMBER(A)**R. K. BAG**
MEMBER(J)

ORDER SHEET – (Continuation)

Form No.

Pratima Devpurkayastha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 260 of 2017**Serial No. and
date of orderOrder of the Tribunal
with signatureOffice action with date
and dated signature of
parties when necessary.

1

2

3

ORDER SHEET – (Continuation)

Form No.

Pratima Devpurkayastha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 260 of 2017**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3