

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

OA- 841 of 2019

**Bachhu Bhattacharjee** Vs **The State of West Bengal & 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;">04 <u>10.02.2020</u></p>	<p>For the petitioner : Mr. D.K. Sharma, Learned Advocate.</p> <p>For the respondent : Mr. G.P. Banerjee, Mr. B.P. Roy, Mrs. S. Agarwal, Learned Advocates.</p> <p style="text-align: center;">The instant application has been filed praying for following relief :-</p> <p>a) The applicant prays for direction upon the concerned authority to dispose the representation lying pending before the Superintendent of Police, Jalpaiguri i.e. respondent No. 5 by the way of passing reasoned and speaking order within a prescribed period time.</p> <p>b) The applicants prays for direction upon the concerned authority to refund the deducted amount with interest at earliest date.</p> <p>c) And to pass any other order or orders as your Lordships may deem fit and proper for</p>	

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<p style="text-align: center;">04</p> <hr/> <p style="text-align: center;">10.02.2020</p> <p style="text-align: left;">Page /2</p>	<p style="text-align: center;">the ends of justice.</p> <p>As per the applicant, he retired on 30.11.2016. During his service period he applied for House Building Loan of Rupees. 2,20,000/-, which was sanctioned vide Memo dated 21.02.2000 (Annexure-A) and the said amount of loan was ultimately disbursed by 24.01.2001. The repayment of the loan was done from the month of September, 2000 @ Rupees 1,375/- per month and total 147 instalments out of 160 instalments were recovered from his pay upto October, 2012 and the rest 13 instalments deposited by the applicant through Treasury Challan and to this effect a letter was issued by the S.P. Jalpaiguri vide Memo dated 07.11.2012 in favour of the A.G. (A &amp; E), West Bengal with a request to calculate the interest accrued on House Building Loan of 2,20,000/- sanctioned in favour of the applicant so as to the said interest may be recovered from the pay of the applicant (Annexure-C).</p> <p>The Office of the A.G. (A&amp; E), West Bengal thereafter send a letter dated 21.04.2017 with a request to deliver a detailed statement of recovery towards</p>	

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<p style="text-align: center;">04</p> <hr/> <p>10.02.2020</p> <p style="text-align: right;">Page /3</p>	<p>principal amount of loan. However, after his retirement, the applicant received a letter with a direction to deposit Rupees. 1,375/- vide Memo dated 16.05.2017 and subsequently S.P. – Jalpaiguri send a Memo dated 19.05.2017 tot he A.G. (A &amp; E), West Bengal to inform the office about the amount of interest on the aforesaid House Building Loan so that it can be recovered from applicant and for release of his pension. In return A.G. (A&amp;E), vide communicated dated 18.08.2017 had send the sanction of interest of Rupees. 153847/- to be recovered from the applicant and accordingly, the respondents have recovered the said amount and from his retiral benefit. Being aggrieved with, he has filed representation dated 31.07.2018 stating that recovery of interest after retirement is not permissible; therefore, it would be refunded back to him.</p> <p style="text-align: center;">The counsel for the respondent has submitted that as per the rules, the principal amount of the House building loan has to be deducted as per opted instalments during the service period and the interest on the said loan has to be calculated at time of retirement and the amount to be paid by the employee at that time</p>	

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