

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 852 of 2016**

Kalyan Kumar Tribedy

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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28/02/2019

For the Applicant : Mrs. S. Agarwal,
Ld. Advocate.
For the State Respondent : Mr. B.P. Roy,
Ld. Advocate.

The applicant has prayed for direction upon the respondents to pay interest to the applicant @ 10% per annum on the amount of Gratuity during the period from August 01, 2005 till the date of actual payment of the amount of Gratuity.

The contention of the applicant is that the applicant retired from service on July 31, 2005 but Gratuity and Retirement Benefits of the applicant were not released. Ultimately, the amount of Gratuity was released on October 21, 2013 in pursuance of the direction given by the Hon'ble High Court in W.P.S.T. No. 478/2009. The further contention of the applicant is that a sum of Rs. 3,41,822/- was deducted from the retiring Gratuity of the applicant on the ground of excess payment of salary due to wrong fixation of pay. By order of the Tribunal passed in OA-6062/2008 the said amount of Rs. 3,41,822/- was refunded to the applicant in terms of order dated January 02, 2014 issued by the Joint Secretary to the Government of West Bengal, Department of Health & Family Welfare.

ORDER SHEET – (Continuation)

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	<p>Mrs. Agarwal, Learned Counsel for the applicant submits that the applicant is entitled to get interest on the amount of Rs. 3,41,822/-, as the said amount was refunded to the applicant only on July 13, 2015, though the Tribunal gave the direction for refund of the said amount on October 06, 2010 in OA-6062/2008. On the other hand, Mr. Roy, Learned Counsel representing the state respondents submits that the applicant is not entitled to get any interest as the amount which was refunded to the applicant was drawn by the applicant in excess of his salary while the applicant was in service.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the fact that the amount of Rs. 3,41,822/- which was refunded to the applicant was virtually drawn by the applicant in excess of his salary while he was in service, we are of the view that the applicant is not entitled to get any interest on the said amount of money. It is pertinent to point out that the said respondents did not impose any interest at the time of making recovery of the said amount from the retiring Gratuity of the applicant and as such the applicant should not be given any interest while the excess payment has already been refunded</p>	

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Csm	<p>on the ground of delay in detecting excess payment to the applicant. In view of our above observation, the original application is dismissed.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	