

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No - OA 01 OF 2019

SRIDAM CHANDRA BERA 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;">3</p> <hr/> <p>22.01.2019</p>	<p>For the Applicant : Mr. S.K. Maity, Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee, Advocate</p> <p>For the Respondent No.9 : None</p> <p style="text-align: center;">In this application, the applicant, - a Group "D" employee under the Food and Supplies Department who had superannuated on 31<sup>st</sup> October, 2018, - has prayed for a direction upon the respondents to quash the memo dated 16<sup>th</sup> November, 2018 issued by the Sub-Divisional Controller, Food &amp; Supplies, Tamluk, Purba Medinipur, respondent no.3 and to disburse the pensionary benefits, provident fund and other retiral benefits. It appears by the impugned memo, the applicant was directed to pay all amounts due as raised by the State Cooperative Housing Federation Limited, Tamluk, Purba Medinipur, within thirty days from the date of its receipt failing which action would be taken in view of order dated 20<sup>th</sup> January, 2005 issued by the Finance Department.</p> <p style="text-align: center;">The facts in short are that the applicant had</p>	

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	<p>applied for a loan of Rs. 2,30,000/- (Rupees two lakh and thirty thousand only). It also appears that he executed an agreement on 29<sup>th</sup> July, 2004, being annexure B as evident from pages 25 and 26 of the Original Application. Though the applicant had paid some instalments, he has failed to repay the loan. It is evident from the notice dated 26<sup>th</sup> July, 2018 that the dues upto 30<sup>th</sup> June, 2018, including penal interest, is Rs. 6,60,243.24. Mr. Maity, learned advocate for the applicant relying on the judgement in Nadia Cooperative Agriculture and Rural Development Bank Ltd. Vs. Union of India – 2013 (3) CHN (CAL) 42 submits that as in a similar matter the High Court had protected the interest of the applicant therein, appropriate order may be passed directing release of pensionary benefits which have been stopped. On a query from the Bench, learned advocate submitted that his client is unable to pay the dues as on 30<sup>th</sup> June, 2018.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the respondents submits that it is evident from the judgement of Nadia Cooperative Agriculture and Rural Development Bank Ltd. (Supra) that the superannuation benefits dues were paid to the private respondent no.6 after adjusting the amount of Rs.1,16,314/- and as in the instant case, the applicant in the agreement had agreed for deduction of the amount in case of default from his salary, gratuity or any other sum</p>	

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SCN.	<p>or sums payable to him and as he is unable to pay any part of the loan, no order may be passed.</p> <p>Heard Mr. Maity and Mr. G.P. Banerjee, learned advocate for the parties. Since in the Nadia Cooperative Agriculture and Rural Development Bank Ltd. (Supra) the financial interest of the Bank was protected and a sum of Rs.1,16,314/- deducted from the dues of the private respondent and the balance retiring benefits were directed to be released and as in the instant case, the applicant is unable to pay any sum and moreover, as he had agreed to deduct the sum from his salary, gratuity, payable to him, no order can be passed on this application. Therefore, no order is be passed on this application. The application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	