

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 1177 OF 2015**

**Babita Sarkhel 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
10 29.11.2018	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : None.</p> <p>The applicant has prayed for direction upon the respondents for setting aside Memo No.184/S dated August, 21 2015, by which the applicant is not entitled to get Dearness Allowance (DA) and House Rent Allowance (HRA) after joining in Group C post.</p> <p>It appears from the materials that the applicant was appointed in Group C post on compassionate ground by order dated January 9, 2014 issued by the Additional District Sub-Registrar (ADSR), Murshidabad. The contention of the applicant is that the applicant got benefit of DA and HRA after joining in the Group C post in the office of the ADSR, Murshidabad. The further contention of the applicant is that the respondent no. 5 has issued one letter dated 21.08.2015 by which the applicant is deprived of the existing benefit of drawing DA and HRA and the mistake cropped up in the order of appointment was rectified.</p>	

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None appears on behalf of the State respondents. We have heard Mrs. Mitra, Learned Counsel for the applicant who submits that the applicant was not given any opportunity of hearing before deduction of excess payment made to the applicant on account of DA and HRA after his joining in Group C post in the establishment of ADSR, Murshidabad.

On consideration of the provisions of West Bengal Services (Appointment, Probation and Absorption of Group C Employees) Rules, 2013, we find that the persons joining in Group C post is entitled to get only basic pay plus grade pay with annual increment of 3% p.a. and medical allowance during the period of probation as per provision of Rule 8 of the said Rules. Since the West Bengal Services (Appointment, Probation and Absorption of Group C Employees) Rules, 2013 was in force at the time of issuance of the appointment letter in favour of the applicant in Group C post on January, 9 2014, the applicant is entitled to get only basic pay plus grade pay with annual increment of 3% p.a. and medical allowance during the period of probation. Since there is no provision for payment of DA and HRA under the said Rules of 2013 in favour of any Group C employee during the period of probation, the applicant has over drawn the amount of DA and HRA immediately after joining in the Group C post in the establishment of ADSR, Murshidabad. Accordingly, the excess payment drawn by the applicant was duly deducted by the authority concerned and the applicant should not have any

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grievance for that.

In view of our above findings, we do not find any merit in the present application. As a result, the application is dismissed.

**( S.K. DAS )**  
**MEMBER(A)**

**( R. K. BAG )**  
**MEMBER (J)**

Rajib

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