

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

**The Hon'ble Justice Soumitra Pal,  
& The Hon'ble Dr. Subesh Kumar Das.**

**Case No –OA-1271 of 2016.**

**Krishna Pada Roy. –Vs- The State of West Bengal & Others.**

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;"><b>8</b> <b>22.01.2019.</b></p>	<p><b>For the Applicant : Mrs. Sunita Agarwal, Advocate.</b></p> <p><b>For the Respondents : Mr. Goutam Pathak Banerjee, Advocate.</b></p> <p><b>For the Principal Accountant : Mr. Biswanath Mitra, General (A&amp;E), West Bengal. (Departmental Representative).</b></p> <p>In this application the applicant, a Sub-Assistant Engineer under Bankura Collectorate, Bankura, who had superannuated on 31<sup>st</sup> May, 2012, has prayed for a direction upon the respondents to refund a sum of Rs. 1,85,816/- which has been deducted as evident from the Pension Payment Order on the ground that the said deduction was made after superannuation which is not permissible in view of the judgment passed by the Supreme Court in State of Punjab-Vs-Rafiq Masih : AIR 2015 SC 696. It appears that though directions were issued to file affidavits, no affidavit has been filed on behalf of the State respondents. Since it is an established proposition of law that no amount can be recovered from an employee after superannuation, the deduction cannot be sustained and is thus set aside and quashed. The District Magistrate, Bankura – the respondent no. 3 is</p>	

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Form No. ....

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Sourav	<p>directed to refund a sum of Rs. 1,85,816/-, since deducted, to the applicant within ten weeks from the date of presentation of a copy of this order, along with interest at the rate of eight per cent per annum to be calculated from 1<sup>st</sup> March, 2013 to the month preceding the month on which it will be paid. The application is disposed of.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	