

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

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

Case No –OA-433 of 2018.

Sri Pranab Chatterjee. –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;"><u>4</u> 19.02.2019.</p>	<p>For the Applicant : Mr. G. Dinda, Advocate.</p> <p>For the Respondents : Mr. G. P. Banerjee, Advocate.</p> <p>For the Principal Accountant : Mr. B. Mitra, General (A&E), West Bengal. (Departmental Representative).</p> <p>At the very outset Mr. G. Dinda, learned advocate for the applicant submits that on instruction from his client that he is giving up his prayer for re-fixing his pension on the basis of last pay drawn and prayer (b) of the application.</p> <p>In this application the applicant has prayed for a direction upon the respondents to refund a sum of Rs. 9,15,630/- which has been deducted from the superannuation benefits which is illegal in view of the judgment of the Supreme Court in State of Punjab –Vs- Rafiq Masih : (2015) 1 Supreme 671 particularly the law laid down in paragraph 12 and its sub-paragraphs.</p> <p>Heard Mr. G. Dinda, learned advocate for the applicant, Mr. G. P. Banerjee, learned advocate for the respondents and Mr. B. Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal. In view of the law laid down in</p>	

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Sourav	<p>State of Punjab -Vs- Rafiq Masih (supra) the deduction of Rs. 9,15,630/- by the respondent authority cannot be sustained. Therefore, the memo dated 20th July, 2016 issued by the respondent no. 7 appearing at page-27 of this application, is set aside and quashed. Hence, the application is allowed. Accordingly, the Executive Engineer, Diamond Harbour Highway Division, P. (Roads) Directorate, Puratan Bazar, Dakshin Hazipur, Diamond Harbour, South 24-Parganas - the respondent no. 7 is directed to refund the said sum of Rs. 9,15,630/- to the applicant within a period of twelve weeks from the date of presentation of a copy of the order. So far as the prayer of interest is concerned, the same is not granted as it was not directed by the Supreme Court in State of Punjab -Vs- Rafiq Masih (supra).</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	