

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,  
Case No. - OA 172 of 2024**

**SANDHYA CHAKRABORTY - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and Date of order	For the Applicant	: None
<u>01</u> 16.04.2024	For the Respondent No. 2 and 3	: Mr.S.Auddy Ms.R.Sharma Advocates
	For the Principal Accountant General (A&E) West Bengal	: Mr.Biswanath Mitra (Departmental Representative)

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authority not to deduct the amount of Rs. 3668/- from her pension account. The applicant has also prayed for refund of the amount already deducted from her pension.

Mr.S.Auddy, learned counsel has filed reply, be kept in record. Mr.Auddy submits that as per the P.P.O. the applicant was to receive an amount of Rs. 11,58,957/- as cumulative instead of by error, she received 19,31,759/-, thus she has overdrawn an excess amount of Rs. 7,72,802/- which is being deducted from her family pension @ Rs.3668/-. Mr.Auddy also refers Section 72 of the Indian Contracts Act, 1872 and submits that by this very Act enables the respondent authorities to deduct the excess amount by which to the recipient, if any. Mr.Auddy files copies of Judgements dated 02.01.2019 in W.P.No. 328 (W) of 2017 and dated 30.10.2023 in W.P.No. 7407 of 2020 be kept in

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record.

The matter is admitted. Let the matter appear under the heading  
“For Orders” on 13<sup>th</sup> August, 2024.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR