

03-03-2021
ct no. 13
Sl.28
pk

**WPA 3936 of 2020
(Through Video Conference)**

Md. Emajuddin Mandal
-Versus-

The State of West Bengal & Ors.

**Mr. Manas Kumar Ghosh,
Ms. Susmita Dey (Basu),
Mr. Arabinda Maji**

.... For the petitioner

**Ms. Sonal Sinha,
Mr. Sumit Roy**

... for the WBSMIC

The petitioner retired from service of the respondent no.3 West Bengal State Minor Irrigation Corporation Limited on August 31, 2017 as an Operator.

A recovery of a sum of Rs. 69,553/- was effected from his dues. The amounts paid under the MCA Scheme wrongfully allowed to the petitioner in the year 2011 with effect from the year 2009 was recovered. It was found that the petitioner has already availed two increments under the previous CA Scheme. The Government by a Memorandum dated 09.08.2018 had directed all Bodies under the State to effect recovery from their employees, who had been wrongfully allowed MAC benefits in the year 2011.

It is further averred by the Corporation that the petitioner and three others, in fact, were granted third increment under the aforesaid MCA Scheme only in view of a continuous agitation and despite the fact that they were not entitled to the same.

A similar issue has been dealt with by a Co-ordinate Bench of this Court in its order dated 12.12.2019 passed in WP 15863 (W) of 2019.

For the reasons already mentioned in the said order dated 12.12.2019 (supra), the deduction made by the Respondents the case of the petitioner is set aside. The respondent Corporation shall pay differential amount (the amount payable less the amount actually paid) with interest @ 8% per annum on and from the date of retirement till the date of actual payment. The actual payment of sum of Rs. 9,84,354/- shall also carry interest @ 8% per annum and shall be paid to the petitioner from the date of superannuation till the date of actual payment.

With the aforesaid observations, the instant writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

