

WPST 38 of 2021

**State of West Bengal & Ors.
Vs.
Sri Chheodorjee Sherpa & Anr.**

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Mr. Tapan Kumar Mukherjee, Ld. Addl G.P
.... For the Petitioners/State

Mr. Prajnadeepta Roy
.... For the Respondent no. 1

Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader has furnished calculation of overdrawal of remuneration in respect of the respondent no. 1 for the period from September 2012 to February 2016 by treating him as contractual employee.

It is submitted that during the aforesaid period he was entitled to Rs.5,04,000/- on account of consolidated contractual remuneration calculated at the rate of Rs.12,000/- per month for 42 months, as per the Finance Department Memo No. 10935-F(P) dated 5th December, 2011. In addition to the aforesaid amount, the private respondent no. 1 would be entitled to further benefits and the gross amount payable to the private respondent no. 1 would be Rs.5,10,216/-. However he had drawn Rs.12,51,049/- on the basis of submitting incorrect declaration.

In view thereof, we direct the petitioners to realise a sum of Rs.7,40,833/-, which was overdrawn, from the admissible retiral benefit of the private respondent no. 1.

The impugned order is modified to the aforesaid extent.

WPST 38 of 2021 is thus disposed of without any order as to costs.

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

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)