

DL-17

28.08.2023
Court No.5
(AD)

WP.ST 172 of 2010

**Sri Karuna Banerjee & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Rudranil De

... for the petitioners.

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das

... for the State.

The writ petition is directed against an order dated July 16, 2008 passed by the West Bengal Administrative Tribunal in O.A. 1922 of 2000.

By the impugned order, the Tribunal, allowed the original application in part. The Tribunal directed the authorities not to recover the overdrawn amount, if any, any further from the writ petitioners.

Learned Advocate appearing for the writ petitioners submits that, the authorities issued a circular dated November 11, 2009 to the effect that, the N.I.S.G. scale will not be withdrawn. He submits that, there was a subsisting interim order also.

State is represented.

Affidavits filed by the parties be kept on record.

The writ petitioners approached the Tribunal with various grievances. One of which was recovery of overdrawn amount. The Tribunal by the impugned order directed the authorities not to recover the overdrawn

amount, if any, any further from the writ petitioners.

In the event, the authorities acted in violation of the impugned order dated July 16, 2008, it was open to the writ petitioners to approach the Tribunal complaining of violation. The writ petitioners did not do so.

We are not minded to test the veracity of the order dated July 16, 2008 on the touchstone of a subsequent notification dated November 11, 2009. In the event, any right flows to the writ petitioners by virtue of the circular dated November 11, 2009, they are at liberty to avail of their remedies before the appropriate authority in accordance with law.

WP.ST 172 of 2010 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

