

W.P.S.T. 55 of 2025

**Amit Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Pradip Kr. Tarafder, Sr. Adv.,
Mr. Sambuddha Datta,
Mr. Aritra Palit

...for the Petitioner

Ms. Ashmita Chakraborty

...for the State

Mr. Suman Basu

...for the Respondent No.6

1. Heard the learned senior counsel for the writ petitioner and the learned counsel representing the State.
2. The petitioner retired while he was getting pay in scale 18 in the year 2013. According to him he is entitled to receive certain benefits of Career Advancement Scheme which was availed by other similarly situated by filing an O.A. in the year 2019. Relying upon the relief granted to other similarly situated, he approached the West Bengal Administrative Tribunal ('S.A.T. for short) by filing the O.A., order of which is impugned in the present writ proceedings. The petitioner's O.A. is numbered O.A. 454 of 2023. The same was disposed of on 06.12.2024, directing the authorities to consider his claim.
3. The claim thereafter has been considered by an order dated 08.01.2025, passed under the

signature of the Additional Director General-in-Charge, Bureau of Applied Economics & Statistics, Government of West Bengal.

4. The petitioner is aggrieved by the order inasmuch as it contemplates recovery of certain benefits granted to him earlier based on a condition that it would be refunded by him, which fact is seriously disputed by the learned senior counsel representing the petitioner.
5. The issue arising primarily before us is whether the order having been passed on 08.01.2025, the petitioner is required to invoke the jurisdiction of the S.A.T. in view of the cause of action arising out of issuance of the order dated 08.01.2025.
6. The learned senior counsel for the petitioner has submitted that the order is patently illegal inasmuch as it directs for making recoveries post retirement which is impermissible.
7. We do not wish to express any opinion on the merits of such submission as the petitioner being aggrieved by the order is required to invoke the jurisdiction of the S.A.T. which is the Court of first instance as per the law declared by the Apex Court in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in **(1997) 3 SCC 261**, reiterated by the apex Court in the case of

Rajeev Kumar & Anr. V. Hemraj Singh Chauhan & Ors., reported in **(2010) 4 SCC 554**.

8. We, therefore, refrain from expressing any opinion on the merits of the submission leaving it open to the petitioner to avail the remedy in accordance with law.
9. The Writ Petition being **W.P.S.T. No. 55 of 2025** is disposed of.
10. There will be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)