

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 220 OF 2018

JIBAN KRISHNA BAISNAB Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>6 11.09.2018</p>	<p>For the Applicant : Mrs. S.Mitra Mr. R.K. Mondal Advocate</p> <p>For the Respondents: Mr. A. Datta Mrs. R. Sarkar Departmental Representative</p> <p>Let supplementary reply filed by the respondents pursuant to the directions contained in the order dated 4th September, 2018 be kept on record. Though the matter has appeared under the heading “To Be Mentioned”, Mrs. S. Mitra, learned advocate for the applicant and Mr. A. Datta, the departmental representative appearing along with Mrs. R. Sarkar, departmental representative submit that the matter may be taken up for hearing today.</p> <p>Heard parties. It appears from paragraph 5 of the supplementary reply that pursuant to the order dated 23rd February, 2016 Medical Board was formed and the applicant was examined on 28th August 2018 and after examination the Medical Board declared him fit for further service.</p> <p>In this application, there are two-fold prayers :- (i) to allow the applicant to resume and join his duties to the</p>	

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SCN.	<p>post of Head Clerk under the respondent authorities after regularizing the period of absence in accordance with law within a stipulated period and (ii) to disburse arrear salary and salaries in accordance with law after allowing the applicant herein to resume his duties in the post of Head Clerk. Since we find that the Medical Board has declared the applicant to be fit for further service, considering such fact, the Sub-Divisional Land & Land Reforms officer, Durgapur City Centre, Durgapur, District Paschim Burdwan, respondent no.3 shall allow the applicant to join his duties within seven days from the date of filing a formal application along with copy of this order. So far as payment of arrear salary is concerned, the same shall be dealt with and disposed of by the said respondent no.3 by passing a reasoned order to be communicated to the parties within eight weeks from the date of joining after giving an opportunity for hearing to the applicant and after verifying the records. If it is found that the applicant is entitled to arrear salary it will be granted on compliance of formalities, if any. We make it clear that we have not gone into the issue of the disciplinary proceedings which is a separate matter altogether.</p> <p style="text-align: center;">The original application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(Soumitra Pal) CHAIRMAN</p>	