

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 385 OF 2018**

Prabir Kumar Halder 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
01 <hr/> 30.07.2018	<p>For the Applicant : Mr. A.L. Basu, Mrs. M.D. Chowdhury, Learned Advocates.</p> <p>For the Respondents : None.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to release the amount of Leave Encashment of the applicant along with interest.</p> <p>The contention of the applicant is that the applicant retired from the post of Deputy Director (Hosiery) under the Directorate of Textiles, Handloom, Spinning Mills, Silk Weaving, Government of West Bengal on May 31, 2015. The further contention of the applicant is that he has received all the retirement benefits except Leave Encashment. It is also contended that the applicant attended the hearing before the Director of Textiles on August 9, 2017 in connection with release of the amount of Leave Encashment of the applicant, but no Leave Encashment has yet been received by the applicant.</p> <p>Mr. Mitra, the Departmental Representative of respondent AG (A&E), West Bengal submits that the AG (A&E), West Bengal has no role to play in releasing the amount of Leave Encashment.</p> <p>None appears on behalf of the state respondents in spite of service of notice as reflected from the</p>	

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Affidavit of service filed on behalf of the applicant.

Having heard Learned Counsel for the applicant and on consideration of the contents of the original application, we do not find any justification for not releasing the amount of Leave Encashment to the applicant after his retirement on May 31, 2015, particularly when other retirement benefits have already been released in favour of the applicant.

Under such circumstances, the respondent no. 2, The Director of Textiles, Handloom, Spinning Mills, Silk Weaving & Handloom based Handicrafts Division, Government of West Bengal, is directed to consider the entitlement of the applicant to receive Leave Encashment and to pass a reasoned order disclosing the amount of Leave Encashment of the applicant and to take necessary follow up action for release of the amount of Leave Encashment within a period of 12 (twelve) weeks from the date of communication of the order.

With the above direction, the original application is **disposed of**.

Let a plain copy of this order be supplied to the applicant.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib