

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 578 OF 2018**

Tshering Doma Bhutia 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
02 18.02.2019	<p>For the Applicant : Mr. S. Bhattacharjee, Learned Advocate.</p> <p>For the Respondents : None.</p> <p>The applicant has prayed for direction upon the respondents for payment of salary immediately before the period of suspension and for payment of salary during the period of suspension of the applicant and also for fixation of pay scale of the applicant for the post of CDPO with effect from the date the applicant took over charge of Acting CDPO.</p> <p>The contention of the applicant is that she has been working as acting CDPO in Darjeeling Pulbazar ICDS Project. The applicant was placed under suspension and a departmental enquiry was started against her by the disciplinary authority. On conclusion of departmental enquiry, the punishment of "censure" was imposed on the applicant and she was reinstated in service with the same scale of pay which was enjoyed by her before suspension by order dated December 23, 2015 issued by the respondent no. 6. The grievance of the applicant is that the applicant submitted application before the respondent no. 2 through proper channel on April 16, 2018 praying for payment of her salary during the period from January 2014 to March 2014 and also payment of salary during the period of her suspension</p>	

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from April 2014 to December 28, 2015, but the said representation has not yet been considered by the authority concerned for disbursement of salary immediately before the period of suspension and also during the period of suspension, though she was reinstated in the service long back.

Learned Counsel representing the applicant has not pressed for hearing of prayer 'b' of the original application, by which the applicant prayed for fixation of pay scale of CDPO from the date of her joining in the said post as acting CDPO. None appears on behalf of the state respondents in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant.

On consideration of the materials on record, we are of the view that the respondent no. 6 should have passed an order as to how the period of suspension of the applicant will be dealt with when the applicant was reinstated in service by order dated December 23, 2015. Accordingly, we direct the respondent no. 6, Director of Social Welfare, Government of West Bengal to consider how the period of suspension of the applicant will be dealt with and what arrears of salary will be payable to the applicant immediate before the date of suspension by passing a reasoned order in accordance with the provisions of the Rules by which the applicant is governed within a period of 12 (twelve) weeks from the date of communication of the order and take

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<p>--</p> <p>Sanjib</p>	<p>necessary follow up action, if any, within a period of 4 (four) weeks thereafter.</p> <p>With the above direction, the original application is <b>disposed of.</b></p> <p>( S.K. DAS ) MEMBER(A)</p> <p>( R. K. BAG ) MEMBER (J)</p>	
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