

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 627 of 2016

Dr. Manoj Kumar Maji 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
08 07.02.2019	<p>For the Applicant : Mr. A.L. Basu, Learned Advocate.</p> <p>For the Respondent : Mr. S. N. Ray, Learned Advocate.</p> <p>Liberty is given to the applicant to make amendment of prayer of the original application in course of this day.</p> <p>The applicant has prayed for direction upon the respondents for regularisation of absence of the applicant from duty during the period from December 11, 2014 to July 19, 2016 by grant of leave and for giving benefits of service and other ancillary reliefs.</p> <p>It appears from the materials on record that the applicant was transferred from the post of Medical Officer (Physician), Malda Medical College and Hospital to the post of Medical Officer of the District Hospital at Uttar Dinajpur by Notification dated September 8, 2014 and the said order was set aside by this Tribunal on February 15, 2016 in CCP No. 09 of 2015 arising out of OA-1102 of 2014. The Joint Secretary to the Government of West Bengal, Department of Health & Family Welfare issued order on July 12, 2016 for cancellation of the previous order of transfer of the applicant and previous order of release of the applicant from Medical College and Hospital at</p>	

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Malda and the applicant was directed to join at Malda Medical College and Hospital with immediate effect, so that he can be immediately released from Malda Medical College and Hospital for joining as Medical Officer (Physician) at Udaynarayanpur SGH, Howrah. The contention of the applicant is that he could not perform his duty as Medical Officer during the period from December 11, 2014 to July 19, 2016, in spite of cancellation of the previous order of transfer and the previous order of release of the applicant from Medical College and Hospital at Malda and issuance of fresh order of transfer to Udaynarayanpur on July 12, 2016.

With the above factual matrix, Mr. Basu, Learned Counsel for the applicant, contends that the absence of the applicant during the period from December 11, 2014 to July 19, 2016 need to be regularised by grant of leave to the credit of the applicant and also by grant of Extra-ordinary Leave for regularisation of service of the applicant, if necessary, so that there may not be any break in service of the applicant for the purpose of retirement benefits.

We have also heard Mr. S.N. Ray, Learned Counsel representing the state respondents and considered the supplementary application filed on behalf of the applicant today.

Having heard Learned Counsel representing both parties

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and on consideration of the materials on record, we are of the view that the absence of the applicant from duty during the period from December 11, 2014 to July 19, 2016 must be regularised by grant of leave already to the credit of the applicant and thereafter by grant of Extra-ordinary Leave, if necessary, as the applicant had to remain absent for circumstances beyond his control.

In view of our above findings, the respondent no. 1, Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare is directed to regularise the absence of the applicant from duty by grant of leave to the credit of the applicant and by grant of Extra-ordinary Leave, if necessary during the period from December 11, 2014 to July 19, 2016 after verification of records within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 4 (four) weeks thereafter.

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

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib

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