

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 2018

Dr. Sandeep Kumar De 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 17.09.2018	<p>For the Applicant : Mrs. J. Dey, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of pay and allowances after regularisation of his absence from duty by grant of leave.</p> <p>The applicant is posted as Dental Surgeon in the establishment of Block Medical Officer of Health, Sonamukhi Block Primary Health Centre, Bankura. The contention of the applicant is that he was absent from duty from time to time during the year 2015, 2016 and 2017 due to cardiac disease. The further contention of the applicant is that he has submitted proper application for grant of leave from time to time through proper channel but the said applications have not been considered by the appropriate authority. The grievance of the applicant is that substantial amount of money is deducted from his monthly salary on the ground of excess payment, though his applications for grant of leave are still pending for consideration by the leave sanctioning authority.</p> <p>Learned Counsel for the applicant submits that the absence of the applicant from duty may be regularised by grant</p>	

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of leave and full payment of salary may be paid to the applicant without further delay. On the other hand, Mr. Ghosh, Learned Counsel for the state respondents, submits that full salary cannot be disbursed in favour of the applicant without regularisation of long period of his absence from duty.

Under the above circumstances, the respondent no. 2, Director of Health Services, West Bengal is directed to regularise absence of the applicant from duty for intermittent period during the year 2015, 2016, 2017 and 2018 by grant of leave to the credit of the applicant as per rules by which the applicant is governed and to grant Extra-Ordinary Leave without pay, if necessary in accordance with the provisions of rules, if no leave is due to the applicant after giving the applicant an opportunity of hearing by passing a reasoned order 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