

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson and Member (J).

**Case No. MA – 80 of 2022 (OA – 546 of 2019)**

**Rabindranath Marik - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. B. Chakraborty,  
and Mrs. S. Agarwal,  
Date of order Advocates  
3  
27.09.2022

For the State : Mr. G.P. Banerjee,  
Respondents Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26<sup>th</sup> August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The counsel for the respondent has submitted that he is not ready for final hearing. Therefore, one accommodation may be granted. The counsel for the applicant, however, has prayed for release of D.C.R.G. as well as Leave Encashment as in the Second Show Cause Notice, the disciplinary authority had already decided to impose punishment of 20% cut in pension for two years. Therefore, D.C.R.G. and Leave Encashment may be released. However, the counsel for the respondent has submitted that since they have not passed final order, D.C.R.G. cannot be paid to the applicant.

In view of the above, the respondents are directed to make payment of Leave Encashment as per Rules within a period of four weeks from the date of receipt of the order.

Let the matter be listed on **28.11.2022** under the heading '**Hearing**'.

Reply, rejoinder, if any, in the mean time.

URMITA DATTA (SEN)  
Officiating Chairperson and Member (J)

A.K.P.