

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – MA-17 of 2023 (OA - 181 of 2023)

Bishnudeo Mallick - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. L. Mallick, (Son of the applicant appearing in Person).

05

30.09.2024.

For the State Respondents

:

Mr. D. Kole,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The applicant was a Sweeper in R.G. Kar Medical College & Hospital and superannuated on 31.05.2009. Since he remained on unauthorised absence from 01.11.2002 till 31.05.2009, a Disciplinary Proceedings was drawn against him which culminated in the final order passed on 09.01.2014 imposing a punishment of 5% pension cut for three months. The applicant is now 80 (eighty) years of old and not receiving any retiral benefits. The Principal Accountant General (A & E) in its Memo 87192 dated 22.09.2015, had remarked to the Medical Superintendent-cum-Vice Principal, R.G. Kar Medical College & Hospital with the following :-

- a) Shri Bishnu Deo Mallick, ex-Sweeper remained absent from duty from 01.11.2002 to 31.05.2009 i.e. up to the date of retirement. Period of absence for being more than five years at a stretch has to be regularised with the approval of Finance Department in terms of Rule 34 of WBSR, Part-I.
- b) Period of non-qualifying service, if any, has to be stated specifically.
- c) Pay on 31.05.2009 under ROPA-2009 should be fixed and noted in service book. Fixation under ROPA-2009 will be

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THE STATE OF WEST BENGAL & OTHERS.

done by way of multiplying the basic pay drawn last by the govt. employee under ROPA-1998 with 1.86.

The applicant in several representations before the respondent authorities had requested for release of pension and other retiral benefits. From the submission of Mr. Kole, learned counsel and records in this application, it is obvious to the Tribunal that the respondent authorities, in particular, Respondent No. 3, Medical Superintendent-cum-Vice Principal, R.G. Kar Medical College & Hospital has to prepare a proposal for approval of the Finance Department for regularisation of his absent period during 01.11.2002 to 31.05.2009 in terms of Rule 34 of W.B.S.R., Part-I. It is also understood that the applicant was transferred to I.D & B.G. Hospital, Beliaghata but he had not joined the new place of posting and remained absent for more than five years from 01.11.2002 to 31.05.2009.

From the above observations, the Respondent No. 3 is advised to prepare a proposal for regularisation of his absent period from 01.11.2002 to 31.05.2009 in terms of Rule 34 of W.B.S.R., Part-I and submit the same for approval of the Finance Department. The applicant's side is directed to co-operate with the office of the Respondent No. 3 in furnishing any document, if so asked for.

Let review of the direction of this Tribunal as stated in the aforesaid paragraphs be taken up on the next date of hearing.

The matter is admitted. Let the application along with OA-181 of 2023 be taken for **Hearing on 22.01.2025.**

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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