

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J). &

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – MA 81 of 2021 (OA 506 of 2021)

Shubhendu Bhattacharjya - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Learned Advocate.
<u>03</u> 16.11.2021	For the State Respondent	: Mr. A. De, Mr. A. Datta, Ms. R. Sarkar, Departmental Representatives.

The Departmental Representative for the Land Department today has filed reply. Let the copy of the reply be kept on record. However, the counsel for the applicant today has drawn our attention to the salary statement from August 2021 to November 2021 as well as has drawn our attention to the order dated 28.09.2021, whereby the respondents were directed not to take coercive action in terms of the final order dated 12.05.2021 till the next date. The next date was fixed for today i.e. 16.11.2021.

The counsel for the applicant has also submitted that such action on the part of the respondents amounts to violation of order dated 28.09.2021. As per the counsel for the applicant, though this Tribunal had directed the respondents not to take coercive action in terms of the final order as the said order was passed beyond the stipulated six months time as was granted by this Tribunal in their order dated 11.12.2020 in OA No. 506 of 2021. However, the respondents are indirectly taking coercive action by stopping his salary since August 2021 till date. Let the copy of the salary statement be kept on record. The Departmental Representative however, has prayed for one accommodation to take instruction in this regard. In the meantime, interim order to continue till the next date.

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THE STATE OF WEST BENGAL & ORS.

We have heard both the parties. From the perusal of the statement of salary it is noted that the applicant has not been paid the salary since August 2021 till date. Since by order dated 28.09.2021, we had directed the respondents not to take any coercive action in relation to final order dated 12.05.2021. However, the respondents have not paid the salary to the applicant thereafter also which is a clear violation of our order dated 28.09.2021. As the respondents are asking for some time to take instruction. Prayer is allowed. Let the matter be listed on **09.12.2021** under the heading '**Admission Hearing**'. The counsel for the applicant has prayed for time to file rejoinder. Prayer is allowed.

Mr. SAYEED AHMED BABA
MEMBER (A)

Mrs. URMITA DATTA (SEN)
MEMBER (J)

H.S