

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – MA 83 of 2023 [OA 783 of 2022]

Mousum Mondal -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. K. Basu, Ld. Advocate.
Mr. S. Banerjee, Ld. Advocate.
For the State respondent : Mr. G.P. Banerjee, Ld. Advocate.
For the Pr.AG (A&E), WB : Mr. B. Mitra, Ld. Depttl. Rep.

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10.10.2023

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

The prayer in this application is for restraining the respondent authorities from deducting any further amount of Rs.50,000/- from the salary of the applicant in terms of the order of the CMOH, Hooghly on 12.05.2022. However, on examination of page nos. 25 and 26, it appears that the CMOH, Hooghly advises the ACMOH, Serampore and BMOH, BPHC, Hooghly that due to the explanation against some audit query not being satisfactory, the overdrawn amount be deducted in equal instalments from her salary beginning from July 2022.

The Tribunal has not found any document in this application to understand why after allowing the applicant to proceed on leave by its order dated 16.10.2017, another order was passed directing the BMOH to recover the leave salary from her monthly salary in equal instalments.

Mr. Banerjee, learned counsel for the State respondents submits that upon instructions from the respondents, the reply will be filed on the next date explaining such reason and also enclose copies of the relevant documents.

Let such reply be filed by the next date and rejoinder, if any. In the meantime, as an interim relief, this Tribunal restrains the respondent no. 2(iii), CMOH, Hooghly from recovering such amount from the applicant's salary relating to her study leave till disposal of this matter in the Tribunal.

Accordingly, the MA 83 of 2023 is **allowed**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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