

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. –OA 123 OF 2025

RAJESH ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Ranajit Roy, Learned Advocate
<u>3</u> 28.07.2025	For the State Respondents	:	Ms. Ruma Sarkar, Mr. S. Deb Ray, Mr. R. Bag, Departmental Representatives
	For the Respondent No.2	:	Mr. Subit Kumar Mandal, 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.

In terms of the leave granted earlier on 06.05.2025, today one supplementary application is being filed annexing certain documents.

The prayer in this application is for a direction to the respondent authorities to release pay and disburse the subsistence allowance of the applicant with effect from January 2020 or on expiry of 90 days from the date of suspension @ 75% of the last drawn salary and other consequential benefits. The applicant submitted his prayer for review of the suspension order on 21.05.2025, 12.06.2025 and 14.07.2025 annexed to the Supplementary Affidavit.

The applicant, Rajesh Roy, an Upper Division Clerk at Nadia Collectorate attached to the Judicial Munshikhana section-Krishnanagar was suspended with effect from 18.10.2019. An allegation was made against him at the Kotwali Police Station in FIR No.723 of 2019 dated 18.10.2019. He was enlarged on bail by the Hon'ble Calcutta High Court in CRM 3054 of 2020, CRAN – 1448, dated 12.05.2020. By an order of the District Magistrate & Collector, Nadia, he was put under suspension. Though he was allowed subsistence allowance @ 50% between October, 2019 to December, 2019, no further subsistence allowance, as

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permissible, has been disbursed.

The Tribunal finds the applicant has been kept under suspension by the concerned authority quite illegally ignoring the memo No.9266-F(P) dated 16.11.2012 and violating the ratio of the decisions passed by the Hon'ble Courts. A government servant cannot be kept under suspension indefinitely for a long period.

Having heard the submissions of the learned counsels and considering the facts and circumstances of the matter, the Tribunal disposes of this application with a direction to respondent No.2, the District Magistrate and Collector, Krishnanagar, Nadia to review the suspension order against the present petitioner including the subsistence allowance in accordance with law every six months in terms of memo No.9266-F(P) dated 16.11.2012. The said respondent authority is further directed to see whether there is any further necessity for keeping the applicant under suspension, otherwise the order of suspension is liable to be quashed and set aside. In such event, he shall be allowed admissible benefits in accordance with law including the relief of reinstatement.

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

SCN.