

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
Hob'ble Sayeed Ahmed Baba, Member (A_)**

Case No. – OA-531 of 2019

Dr. Anil Kumar Gupta VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. B.R. Neogi, Mr. A.K. Niyogi, Learned Advocates.
<u>10</u> 02.12.2021	For the State Respondent	: Mr. S.N. Ray, Learned Advocate

The instant application has been filed praying for following relief :-

- A)An order directing the respondents to forthwith pass order by way of correct fixation of pay after regularizing and pay all arrears of salaries and allowances along with interest at the market rate after deduction of the total amount if any paid to the applicant as interim relief;
- B)Issuance of any other order or orders and/or direction as this Hon'ble Tribunal may deem fit and proper.

As per the applicant, after regularising the leave of the applicant, the respondent authority has to fix his pay. The counsel for the applicant has drawn our attention to the aforesaid letter dated 18.09.2018 and has submitted that though his pay has already been fixed by Dy. Director of Health Services (Admn.) vide Memo dated 16.02.2018. However, it has not been implemented due to the objection of the Treasury. Therefore, Superintendent, Raghunathpur S.D. Hospital, Purulia had asked for necessary sanction/approval from the Director of Health Services, West Bengal vide letter dated 18.9.2018. However, till date neither any communication has been made nor his pay has been properly fixed.

The counsel for the respondent has admitted that the decision on the part of the Director of Health Services, is still awaited. Therefore, no payment could be made to the applicant.

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During the course of hearing, the counsel for the applicant has submitted that it would suffice his purpose if the Director of Health Services, West Bengal would take final decision and make payment thereof within a stipulated period of time. The counsel for the respondent has no objection to such proposal.

In view of the above, Respondent No. 3, Director of Health Services, is directed to take final decision with regard to fixation of pay of the applicant and make payment thereof and communicate his decision by way of reasoned and speaking order within a period of eight weeks from the date of receipt of the order. Accordingly, both the MA & OA is disposed of.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

SC

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