

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. OA – 984 of 2018

Kanu Kumar Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.

;Serial No. For the Applicant : Mrs. S. Agarwal,
and Advocate
Date of order
22
31.07.2023 For the Respondents : Mr. M.N. Roy,
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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, the case is taken up for consideration sitting singly.

Reply filed be kept in record. Mrs. Agarwal prays for accommodation to file rejoinder to the reply by the next date.

This matter had earlier been heard and disposed of by this Tribunal in O.A. 658 of 2011. By an order dated 27.06.2011, the Tribunal had directed the respondent authorities to pay his admissible salaries from the date of reinstatement, if he has been reinstated.

Appearing for the applicant, Mrs. Agarwal, learned counsel submits that the employee was suspended in the year 2009. By referring to a Memo dated 30.08.2010, Mrs. Agarwal submits that the applicant was reinstated and transferred to a new place of posting. It appears from this Memo that the applicant was placed under S.D.O., Teesta Canal Sub-division No. II, Islampur. However, Mr. Roy, learned counsel for the State respondent disputes that this is not revocation of suspension but rather a transfer of the applicant to a new place. His suspension continued even on this day and merely transferred this suspended employee from one place to another.

Mr. Roy relying on Sub clause 3 of Rule 7 of West Bengal Services (CCA) Rules 1971. Mr. Roy submits that as per this Rule, a suspended employee can

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remain suspended until further order. In this case, the respondent authorities allowed the employee to remain in suspension. Therefore, it is evident that the suspension order was neither revoked nor he was reinstated.

Let the matter appear under the heading 'Hearing' on 11.10.2023.

**SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P