

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 12 of 2017 (MA – 32 of 2018)

Chanchal Bhowmick - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>12</u> 15.02.2022	For the Applicant	: Mr. S.N. Ray, Advocate
	For the Respondents	: Mr. A. De, Ms. R. Sarkar, Departmental Representatives Land & Land Reforms Department

MA – 32 of 2018

The instant application has been filed basically praying for leave to challenge the Appellate order dated 29.09.2016 as enclosed in Annexure “R – 1” of the instant application. It has been submitted by the applicant that though he has already challenged the final order dated 14.08.2015 as well as modified final order dated 28.08.2015 in the O.A. however, wrongly he could not challenged the Appellate’s order dated 29.09.2016. Therefore, unless and until the leave would be granted, he will suffer irreparable loss and injury.

In view of the above, the M.A. is allowed. The Appellate order dated 29.09.2016 would be treated as a part of Original Application.

O.A. – 12 of 2017

The instant application has been filed basically challenging the modified order dated 28.08.2015 (Annexure ‘C’), whereby the original final order dated 14.08.2015 has been modified. According to the applicant, the respondent had enhanced the punishment by this modified order dated 28.08.2015.

The counsel for the respondent has submitted that no punishment has been enhanced by the modified order rather the suspension period has been regularised in the modified order keeping final punishment as it is as per the

ORDER SHEET

Form No.

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earlier order by way of imposing penalty of stoppage of two annual increments in the scale of pay with cumulative effect. During the course of the hearing, the counsel for the applicant has submitted that as he has already suffered the punishment of withholding of two increments with cumulative effect, he does not want to proceed with the issue of challenging the final order dated 14.08.2015, modified order dated 28.08.2015 and Appellate order dated 29.09.2016. However, as per the applicant, his suspension order was not reviewed even no subsistence allowance has been paid till date.

The Departmental Representative, on the other hand, has submitted that he has to submit non-employment certificate for the said period before the authority, which he did not do. Therefore, no subsistence allowance was paid to him.

During the course of the hearing, the counsel for the applicant has prayed for leave to submit a comprehensive representation along with the non-employment certificate before the authority for the said period and the authority may make payment thereof. The Departmental Representative has no objection for consideration of such representation. Therefore, the applicant is at liberty to make representation before the authority for his subsistence allowance which may be considered by the authority and communicate their decision by passing a reasoned and speaking order and taking appropriate steps within a period of six week from the date of receipt of such representation and non-employment certificate. Accordingly, the O.A. is disposed of with no order as to cost.

Since for 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.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.