

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 622 of 2016

Atunu Chakraborty - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>25</u> 17.02.2022	For the Applicant	: Mr. A.K. Das Sinha, Advocate
	For the Respondents	: Mr. M.N. Roy, Mr. G. Halder, Advocates

On the earlier occasion i.e. on 06.01.2022, the respondent was directed to take instruction whether the applicant has been paid three months salary from August, 2015 to October, 2015 and any disciplinary proceeding has been initiated against him. Today the counsel for the respondent has placed one status report submitted by Director of Personnel and Ex-officio Chief Engineer wherein it has been specifically stated that after grate pursuance of B.D.O. Magrahat – II Development Block, South 24 Parganas, as per direction of this Tribunal, the Director of Personnel and Ex-officio Chief Engineer has sent three Memos No. 271/8A-15/2016 dated 21.01.2022, 27/8A-15/2016 dated 21.01.2022 and 271/8A-15/2016 dated 21.01.2022 to the petitioner and B.D.O. Magrahat – II Development Block, South 24 Parganas and Deputy Director of Agriculture (Admn.), Howrah with regard to the status of granting of salary from August, 2015 to October, 2015 and pending disciplinary proceeding. However, though the petitioner had responded and said that he has not been paid salary for the aforesaid period and even no disciplinary proceeding is pending. The Additional Director of Agriculture (Personnel) (Admin.), Howrah vide Memo dated 31.01.2020 had communicated that the applicant took his release from B.D.O., Magrahat – II Development Block, South 24 Parganas on 29.02.2016 and his original Service Book was despatched to new post i.e. A.D.A. (Admn.), Howrah. However, he had made it clear that he has no authority to initiated disciplinary proceeding against the applicant. Therefore, no disciplinary proceeding was

ORDER SHEET

Form No.

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initiated against him. However, B.D.O., Magrahat – II Development Block, South 24 Parganas did not respond to the said query. Therefore, the Director of Personnel and Ex-officio Chief Engineer is not in a position to make any submission in this regard. Therefore, the counsel for the respondent has prayed for a short accommodation.

Heard both the parties and it is noted that as per the applicant he did not get the salary from August, 2015 to October, 2015. However, no disciplinary proceeding is pending against him. As salary cannot be withheld without disciplinary proceeding and he was working under the B.D.O., Magrahat – II Development Block, South 24 Parganas, therefore the B.D.O., Magrahat – II Development Block, South 24 Parganas is directed to submit the information sought for by this Tribunal by the next date or to be present before the court. The Registry is directed to serve copy of this order to the respondent No. 3. Let the matter be listed on 10.03.2022 under the heading 'Hearing'.

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.