

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. OA – 876 of 2021**

**Sanjib paul - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order <u>3</u> 17.02.2022	For the Applicant	: Mr. B. Nandy, Mr. A. Mitra, Advocates
	For the Respondents	: None

The instant application has been filed basically challenging the suspension order dated 02.11.2020. As per the applicant, he was charged in a criminal case and was granted bail on 20.10.2020. However, vide order dated 02.11.2020; he has been put under suspension with effect from 16.10.2020 (Annexure 'A'). As per the applicant, neither any review has been made with regard to his suspension nor his subsistence allowance has been enhanced till date. As per the applicant, according to settled principle of law, his suspension should be reviewed and subsistence allowance should be enhanced if the authority wants to continue him with suspension. However, neither the suspension has been reviewed nor his subsistence allowance has been enhanced. Though he has made several representations before the authority. It has been further submitted by the counsel for the applicant that he got bail before the issuance of suspension and as per the judgement passed by the Hon'ble High Court dated 22.12.2006 in W.P.S.T. No. 400/2006, where it has been held the Rule 7(3) of West Bengal Services (Classification, Control and Appeal) Rules 1971 cannot be taken into account when bail has been granted prior to issuance of the suspension order. Therefore, he has prayed for an appropriate order.

None for the respondent. Though affidavit of service filed and twice chance is granted to the respondent to appear.

**ORDER SHEET**

Form No.

**Sanjib paul**

Vs.

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THE STATE OF WEST BENGAL & ORS.

I have heard the parties and perused the records. From the perusal of the record it is noted that the applicant was put under suspension on 02.11.2020 and according to him he is still under suspension without any review or enhancement of subsistence allowance. This is a settled principle of law that the suspension has to be reviewed after 90 days and the authority has to take decision whether the suspension would be continued or otherwise subsistence allowance has been enhanced. Since nobody is appearing for the respondent. I direct the reviewing committee to review the case of the applicant with regard to the suspension as per Rule and settled principle of law and to take appropriate steps. In the mean time, the applicant is at liberty to make a representation with regard to his revocation of suspension before the disciplinary authority / reviewing authority for taking decision with regard to suspension and enhancement of subsistence allowance as per rule and communicate the same by way of a reasoned and speaking order within a period of four weeks from the date of receipt of the order. 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.