

**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 112 of 2023**

**Dr. Kamalesh Bhattacharyya -- VERSUS – The State of West Bengal & Others**

Serial No. and  
Date of order

For the Applicant

: Mr. S. Ghosh,  
Mr. M. N. Roy,  
Ld. Advocates.

08  
10.12.2024

For the State Respondents

: Mr. G. P. Banerjee,  
Ld. Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Roy, learned counsel submits that a decision in the form of reply or a reply presenting the views of the respondent's side would be helpful and necessary in this matter. Mr. Ghosh has submitted that since the authority has after revocation of the suspension has treated the suspension as "spent on duty", therefore, it is imperative now that the applicant's arrears and pay fixation are done accordingly.

Having heard the submissions of the learned counsels and considering the facts and circumstances of this case, the Respondent No. 2, the Director of Health Services, Department of Health & Family Welfare, Government of West Bengal is directed to consider the prayer of the applicant for pay fixation and release of his arrears in accordance with Rules within six months from the date of communication of this order. Such decision be communicated to the applicant within two weeks thereof.

The Tribunal has observed that by an order of the respondent, now the period of suspension has been treated as "spent on duty". Therefore, flowing from this order, suitable action may be taken relating to his pay fixation and release of arrears as admissible.

Thus, the application is disposed of.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

SKG/S.M.