

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-113 of 2020

Manik Lal Mondal VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. T.N. Sarkar, Learned Advocate.
	For the State Respondens	:	Mr. G.P. Banerjee, Learned Advocate.
<u>06</u> 03.03.2022			

The instant application has been filed basically praying for a direction to the respondents to allow the applicant to join his duty as well as to make payment of arrear salary and the present salary. As per the applicant, vide Memo dated 09.01.2020, issued by the S.D.O., Lachmapur-I Medinipur, Paschim Medinipur, he has been directed to be temporarily discontinued from government service until further order.

According to the applicant, vide letter dated 18.12.2019, (Annexure-F) Executive Engineer had asked him to be present before the committee on 23.12.2019 with regard to the date of birth of the applicant and the applicant had appeared before the authority on 23.12.2019. However, vide impugned order dated 09.01.2020, he was directed to be temporarily discontinued from service without any disciplinary proceeding or final order to that effect. Therefore, according to the applicant, he was not allowed to join his duty and he is not getting his salary. Thus, he has prayed for interim protection to allow him to join and provide salary to him.

The counsel for the respondent has submitted that the applicant appeared on 23.12.2019 and another notice was issued on 24.12.2019 asking for reply as to why he would not be terminated from the service and the salary would not be stopped. In response to that, the applicant had submitted his reply on 26.12.2019. However, till date no decision has been taken by the authority.

Heard both the parties and perused the records. It is admitted

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fact that no disciplinary proceeding or final order has been passed with regard to the determination of date of birth of the applicant. However, the applicant has been directed to be temporarily discontinued from govt. service since 09.01.2020 and he is not getting his salary till date.

It is settled principle of law that unless and until any final order would be passed by way of punishment in a disciplinary proceedings for termination from service or anything else as per service rules, salary cannot be stopped. Therefore, I quash and set aside the impugned order dated 09.01.2020. I direct the authority to allow the applicant to join his duty and make payment of present salary from this month as well as arrear salary within a period of four weeks. However, the respondents would at liberty to take any actions as per settled principle of law as well as service rule with regard to determination of date of birth. Accordingly, OA is disposed of with the above observation and direction with no order as to costs.

Since the 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)

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