

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-1499 of 2009

Dr. Sachindra Nath Biswas **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order For the Applicant : Mr. M. Karim,
Learned Advocate.

For the State Respondents : Mr. S. Ghosh,
Learned Advocate.

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16.08.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The matter was reserved for final judgement. However, while going through the entire file, it is noted that the applicant was imposed with a punishment of withholding of pension permanently under Rule 10 (1) of D.C.R.B. Rules, 1971 vide order dated 15.11.2006. Subsequently, the applicant preferred an appeal to the Hon'ble Governor which was rejected vide order dated 04.09.2008. However, during the pendency of the instant application, the applicant had filed one supplementary affidavit enclosing one Notification dated 01.12.2009, whereby the Joint Secretary to the Govt. of West Bengal by the order of the Governor had regularised the leave of the applicant for the period for which the applicant was punished for unauthorised absence. It is noted that in the earlier Appellate Order dated 04.09.2008 of the Governor; the appeal of the applicant was rejected on the ground of the unauthorised absence of the applicant. However, vide Order dated 01.12.2009, some portion of the same period of leave was regularised by the Joint Secretary by the order of Governor, which is contrary to each other as the Disciplinary Authority had imposed punishment of withholding of pension permanently. Therefore, the respondents are directed to clarify

ORDER SHEET

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the same by way of filing an affidavit. Therefore, OA is de-reserved. Let the matter be listed for Hearing on **21.09.2022**.

URMITA DATTA (SEN)
MEMBER (J)

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