

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-153 of 2021

Serial No. and Date of order	Asoka Mondal & Ors. For the Applicant	:	VERSUS – The State of West Bengal & Ors.. Mr. G.P. Banerjee, Learned Advocate.
<u>09</u> 21.09.2022	For the State Respondents	:	Mr. S. Ghosh, Learned Advocate

In this application the prayer is for setting aside the order of the respondent passed in Memo No. 37099 dated 22.05.2019. Mr. Banerjee submits that the applicants were allowed study leave and admissible leave to undergo MSC (Nursing) in different institutions during the session 2018-2020.

The applicant successfully completed the course and joined different places of posting. To their surprise they received an order by the respondent dated 25.01.2021 in which the earlier permission for study leave for 24 months was revised to 12 months study leave. The relevant portion of the said Order is as follows :-

“The following eight in-service candidates who were allowed for Study Leave for pursuing the M.Sc (Nsg.) course for the session 2018-2020 for the period of 12 months vide Order No. HFW-37099/139/2018-DIR-NURSING SEC-Deptt/476 dated 22.05.2019 are found to be availed study leave for 24 months previously as per column no. 6 mentioned below. Therefore, the Study Leave vide Order No. JFW-37099/139/2018-DIR-NURSING SEC-Dept./476 dated 22.05.2019 is hereby cancelled. However, they are entitled for other admissible leave to

continue their studies which have actually be completed”.

Mr. Banerjee further submits that while belatedly cancelling the said Study Leave, the applicants were not given any opportunity of hearing and present their version. It is the apprehension of Mr. Banerjee that vide this impugned order, the salaries of the applicants for 12 (twelve) months will be deducted.

Mr. Ghosh referring to the reply of the state respondent specially para 4 where it is mentioned that out of 22 Nursing staff who were given Study Leave for 24 months, it transpired later that 8 (eight) of them, the present applicants had earlier availed 12 (twelve) months Study Leave to undergo B.Sc. Nursing course. A Study Leave can be availed only for 24 (twenty four) months during the entire service life. Therefore, the respondents revised the permission given earlier from 24 months to 12 months for these 8 applicants. Mr. Ghosh further submits that this was dealt with as per rules and procedure.

Submission of Mr. Banerjee is to reconsider the impugned order issued on 25.01.2021.

After hearing learned advocates the application is disposed of by directing the Director of Health Services, W.B., to consider and dispose of the individual representation of the applicants, after giving an opportunity of hearing, as per law within a period of 12 (twelve) weeks from the date of this order.

Accordingly, OA is disposed of.

Case No. –