

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. – OA 183 OF 2021

MD. ARIF - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. T. Hossain,
and Advocate
Date of For the Respondents : Mr. Gaurav Haldar,
order Advocate
22
24.01.2024

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 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The applicant, as a dismissed employee, was reinstated in the service in the post of Driver by a direction of this Tribunal in O.A. 1483 of 2013. The relevant part of the Tribunal's order is as follows:

“Accordingly, in the facts above, we set aside the discharge order and direct the authority concerned to reinstate the applicant in service and to allow him to join duty as and when he reports. The authority concerned is also directed to regularise the entire period from the date of discharge of the applicant from service (18.11.2013) till date of his joining by granting him such leave as admissible under the Rule within a period of six months from the date of communication of the order.”

In terms of such direction, the applicant was reinstated by an order of the Deputy Commissioner of Police dated 20.05.2016. Out of total 910 days of his period of absence, 100 days were regularised as his Earned Leave. Remaining 810 days were regularised as Extraordinary Leave. Aggrieved by such action of the respondent authority, the applicant filed this application praying for a direction to

ORDER SHEET

Form No.

MD. ARIF

Vs.

Case No. - OA 183 OF 2021

THE STATE OF WEST BENGAL & ORS.

the respondent authority to grant him full salary including two increments for the total period of 910 days, the period during which he remained as a discharged employee. The period of 810 days was regularised as Extraordinary Leave on the basis of Rule 175(1)(A) of W.B.S.R. Part I. Disagreeing with the submissions of Mr. Haldar referring to the said Rule, Mr. Hossain, learned counsel refers to Rule 72A of the W.B.S.R. Part I and submits that the respondent authority has wrongly relied on Rule 175(1)(A) instead of 72A.

After hearing the submissions of the learned counsels and understanding that adjudication in this matter requires consideration of various laws, this One-Member Single Bench feels that this matter be rather heard by a larger Bench comprising two Members (one Judicial and one Administrative). Such opinion is also endorsed by the learned counsels of both sides.

In view of the above, let this matter be placed before and heard by a Bench comprising two members (Judicial and Administrative) under the heading "Hearing" on 10.09.2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.