

**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 204 OF 2023**

**KAMAL SENGUPTA - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

05  
21.11.2024

For the Applicant : Mr. Soumendra Narayan Ray  
Advocate

For the State Respondents : Mr. Goutam Pathak Banerjee  
Advocate

For the Principal Accountant : Mr. Biswanath Mitra  
General (A&E) West Bengal (Departmental Representative)

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.

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

Mr. Banerjee, learned counsel submits that the applicant is not entitled for the 25 years MCAS benefit for the following reasons :-

(i) MCAS/ CAS are awarded to employees for their continuous and satisfactory service, but in his case, the applicant had remained on unauthorised absence for more than two years. Such period of unauthorized absence was later regularized in terms of a direction of this Tribunal in an earlier application being OA-200 of 2015.

(ii) That the applicant was involved in a criminal case as such a case was pending before the Learned Sessions Court under Section 409/420 of IPC which was eventually concluded with his acquittal.

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After hearing the submissions of the learned counsels, the Tribunal finds that the reasoned order passed by the Secretary dated 15.05.2017 had delegated the task of taking a decision regarding his prayer for MCAS on the Director of Personnel and ex-officio Chief Engineer, Irrigation and Waterways Directorate. It is obvious that the Director of Personnel has not considered and passed any order on the issue of 25 years MCAS benefit to the applicant though the applicant had preferred such a representation on 07.07.2022 before the Joint Secretary, Revenue.

Having heard the submissions and after examination of the facts in this matter, this application is disposed of by directing the applicant to file a representation before the Director of Personnel and ex-officio Chief Engineer, ventilating his grievances and praying for 25 years MCAS benefits within one month from today. The respondent No. 3, the Director of Personnel and ex-officio Chief Engineer is directed to consider granting of 25 years MCAS benefit to the applicant, if he files a representation before him within the time as indicated above. Such consideration and taking of the final decision be in accordance with the prevalent rules within three months from the date of submission of the representation by the applicant. Let his decision be communicated to the applicant within two weeks in the form of a reasoned order. The application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR