

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. OA – 311 of 2022

Chinmayee Patra - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.
and
Date of order
4
05.08.2022

For the Applicant : Ms. S. Saha,
Mr. A. Maji,
Mr. S. Maji,
Advocates

For the State Respondents : Mr. G. Halder,
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 354 – WBAT / 2J-15/2016 dated 18th May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following reliefs:

- “a) Mandatory order may be passed directing the respondents to regularization of the applicant’s full monthly salary incorporating the effect of ROPA 2019, along with arrear.**
- b) To consider the representation dated 22.03.2022 within a stipulated period and to regularization of the applicant’s full monthly salary incorporating the effect of ROPA 2019, along with arrear;**
- c) To direct the respondents to pay cost and advocates fees;**
- d) To pass such other or further order or orders as Your Lordships may deem fit and proper.”**

As per the applicant, she was arrested initially on 27.12.2019 being

ORDER SHEET

Form No.

Chinmayee Patra

Vs.

Case No. **OA – 311 of 2022**

THE STATE OF WEST BENGAL & ORS.

detained in custody beyond the period of 48 hours. However, subsequently, as per the direction of this Court dated 23.11.2021 passed in O.A. No. 04.08.2020, her suspension order was revoked vide order dated 19.12.2021, which was ultimately served upon her on 19.01.2022. Thereafter, she joined her duty on 20.01.2022. However, she is not getting her full salary but is only getting the subsistence allowance till 13.07.2022. Even for the month July, 2022, she has not been paid the subsistence allowance also. Being aggrieved with, she has filed the instant application.

The counsel for the respondent has submitted that the applicant is entitled to get a full salary after revocation of suspension after re-fixing his pay under ROPA 2019. They have admitted that she is entitled to get admissible full salary as well as admissible benefit under ROPA 2019. Respondents have also submitted that the said payment is under process and to undertake to make payment.

In view of the above, respondent No. 3, C.M.O.H., Chinsurah – Mogra Block is directed to make payment of arrear of full salary after fixing the pay of the applicant as per the ROPA 2019 with admissible benefit within 31st August, 2022. Accordingly, the O.A. is disposed with no order as to costs.

URMITA DATTA (SEN)
MEMBER (J)

A.K.P.