

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA-336 of 2020

Mustafa Sk. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

For the Applicant

: Mr. M. N. Roy,
Mr. N. G. Mukherjee,
Advocates.

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22.02.2021

For the State Respondents

: Mr. S. N. Ray,
Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

As prayed for by Mr. M. N. Roy, learned advocate for the applicant, leave granted to correct the cause title of the affidavit of service. Leave also granted to correct the cause title of the application so far as the respondent no. 1 is concerned.

Affidavit of service filed today be kept on record.

Mustafa Sk., Rearing Attendant of Boswa Sericulture Composite Unit, Birbhum, the applicant, who had superannuated on 31st January, 2018, has prayed for several reliefs, the relevant portion of which is as under :

"A) An order be passed by directing the respondent authority to release the arrear salary/dues of the applicant during his suspension period with effect from 28.10.1998 to 31.07.2012 along with 18% interest over the said amount on the basis of Memo dated 313/Seri/Suri dated 30.07.2019 which was issued by the respondent no. 3 of the instant

application i.e. Deputy Director of Textiles (Sericulture), Suri, Birbhum, Pin-731101, addressed to the respondent no. 2 of the instant application i.e. the Commissioner of Textiles (Sericulture), 45, Ganesh Chandra Avenue (2nd Floor), Kolkata-700 013, being made Annexure-L of this application.

B) An order be passed by directing the respondent authority to consider the representation dated 22.11.2019 made by the applicant before the respondent no.3 of the instant application i.e. Deputy Director of Textiles (Sericulture), Suri, Birbhum, Pin-731101, and the same is still pending for proper adjudication.”

Admittedly the applicant has received the superannuation benefits. It appears that the applicant was arrested by police on 28th October, 1998 and a criminal case was lodged which ended in acquittal from the charges by judgment delivered by the learned Judicial Magistrate, 1st Court, Rampurhat, dated 29th November, 2017 in G. R. case No.444/98 under Section 379 and 411 of Indian Penal Code. Thereafter, the applicant joined his duties on 1st August, 2012 vide Suspension Revocation Order dated 27th July, 2012, passed by the Joint Director of Sericulture, West Zone, Bolpur, Birbhum. It appears that after being arrested he was under suspension from 28th October, 1998 till 31st July, 2012, during the said period he was allowed 50% of his pay and allowances as per Rule. Referring to the intimation dated 30th July, 2019, issued by the Deputy Director of Textiles (Sericulture), Suri, Birbhum, being annexure-‘L’ to the application, it is submitted by Mr. M. N. Roy, learned advocate for the applicant since the applicant has been acquitted, the balance 50% of arrear pay and allowances be released as the Deputy Director of Textiles (Sericulture), Suri, Birbhum, in the said letter dated

ORDER SHEET

Form No.

Mustafa Sk.

Case No. **OA-336 of 2020.**

Vs.
THE STATE OF WEST BENGAL & ORS.

30th July, 2019, has intimated the Commissioner of Textiles (Sericulture) -the respondent no. 2 to grant administrative approval to make payment.

It is submitted by Mr. S. N. Ray, learned advocate appearing on behalf of the State respondent that in view of the letter 30th July, 2019, steps have been taken for release of the balance 50% of pay and allowances as per Rules.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case and in view of the intimation dated 30th July, 2019 issued by the Deputy Director of Textiles (Sericulture), Suri, Birbhum addressed to the Commissioner of Textiles (Sericulture) -the respondent no. 2, the application is disposed of by directing the said respondent no. 2 to grant administrative approval for payment of the balance 50% of arrear pay and allowances of the applicant by passing a reasoned order to be communicated to the parties within 15 weeks from the date of presentation of a copy of this order downloaded from the internet/website.

(SOUMITRA PAL)
CHAIRMAN

S.M.