

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 372 of 2019.

ASHOKE GUPTA– VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

10
28.2.2022

For the Applicant : Mr. S.P. Dalapati,
Mr. S. Sarkar,
Mr. S. Mondal,
Advocates.

For the State Respondents : Mrs. G.P. Banerjee,
Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In the application Ashoke Gupta, the applicant has challenged the order passed on 24th December, 2018 passed by the District Magistrate, Hooghly, - the respondent no. 2, the relevant portion of which is as under :-

“.....Examined the case record as well as the service record of Ashoke Gupta including the written statements submitted by the applicant.

Heard the appellant. The appellant submitted the deposition where it is stated that he is willing to join the service.

Hence, it is observed from the report submitted by the Respondent No. – 4, the Block Development Officer, Arambagh Development Block, Hooghly that at present no kind of leave left in favour of appellant as per service record.

Considering all facts, it is understood that the appellant does absent from duty and there is no such ground to sanction extraordinary leave in favour of the appellant under the provision of the Rule 34 of the

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West Bengal Service Rules-I.

However, the petitioner is allowed to resume his duty within 15(fifteen) days....”.

At the very outset, Mr. S.P. Dalapati, learned advocate for the applicant submits that prayer ‘C’ may be ignored as there are mistakes. On a query, it is submitted that for the ends of justice, direction may be issued upon the respondent authorities to pay the salary of the applicant since he has rejoined his service pursuant to the impugned order dated 24th December, 2018.

Having heard the learned advocates for the parties, since it is submitted that though the applicant has rejoined his duties pursuant the order dated 24th December, 2018 he has not been paid the salary, considering the said fact, the application is disposed of by directing the Block Development Officer, Arambagh Development Block, - the respondent no. 6, to release the salary of the applicant within eight weeks from the date of compliance of formalities, if any, by the applicant. The said respondent no. 6 shall intimate the applicant within a fortnight regarding the formalities if any, to be complied with upon receipt of a copy of this order downloaded from the website of the Tribunal.

Skg.

(SOUMITRA PAL)
CHAIRMAN.

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