

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 386 of 2019

Raj Kumar Biswas -- VERSUS – The State of West Bengal & Ors.

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| Serial No. and Date of order | For the Applicant | : Mr. S.K. Rath, Mr. M.K. Sadhu, Learned Advocate. |
| <u>12</u> 13.06.2022 | For the State Respondent | : Mr. G.P. Banerjee, Learned Advocate. |
| | For the Respondent No. 1(a) | : Ms. R. Sarkar, Mr. S. Debroy, Departmental Representatives. |

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.

The instant case has been filed praying for following reliefs :

“(a). Order/direction be passed directing the respondent District Magistrate & Collector revoke the Order of suspension of the applicant vide Order No. 38/Estt/2018 being Annexure “C” forthwith and to pay balance outstanding dues of rest 50% of suspension allowances with all back allowances accrued there and further be directed to pay full monthly salaries for monthly onward.

(b) Order/direction be passed directing the Sub-Divisional Officer, Jangipur, Murshidabad to pass necessary order with regard to the prayers made above within stipulated time;

(c) Any other Order/direction be passed with regard to withdrawal of suspension order and payment of full salaries with all back salaries withheld there;”

As per the applicant, he was suspended vide order dated 29.08.2018 (Annexure-C). Subsequently, as per the instruction No. 1734/Estt. dated 31.08.2018 of the District Magistrate, Murshidabad, he was allowed to join on 23.08.2018. Thereafter, the applicant made a representation dated 12.02.2019 for making payment of his full salaries as he is working since 23.08.2018. The counsel for the applicant has further submitted that since then he is continuously working as would be evident from his deployment vide

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order dated 19.04.2022 issued by the Sub-Divisional Officer, Jangipur, Murshidabad. He was ordered to perform his duty as Driver in Treasury Department, Jangipur Division, Murshidabad. Therefore, as per the applicant he is entitled to get the full salaries as he has been allowed to join duty as his suspension deemed to be revoked. However, during the course of the hearing, the counsel for the applicant fairly submitted that it would suffice his purpose if the District Magistrate, Murshidabad be directed to consider his representation treating this OA as a part of it and take appropriate steps within a stipulated period of time.

The counsel for the respondent has no objection to such proposition.

Accordingly, the District Magistrate, Murshidabad i.e. Respondent No. 2 is directed to consider the representation dated 12.02.2019 of the applicant treating this OA as a part of it and to take a decision with regard to his salaries and take appropriate steps and communicate his decision by a reasoned and speaking order within a period of four weeks from the date of receipt of the order.

Accordingly, the OA is **disposed of** with no order as to costs.

**URMITA DATTA (SEN)
MEMBER (J)**

CSM/SS