

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- 408 of 2020

Asoke Kumar Sarkar - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

07
29.07.2024.

For the Applicant : Mr. S.N. Ray,
Mrs. Subarna Das,
Learned Advocates.

For the State Respondents Ms. R. Sarkar,
Mr. S. DebRoy,
Mrs. A. Bhattacharya,
Learned Departmental Representatives.

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

Affidavit of service filed, be kept with the record.

The applicant has prayed for modification of the order No. 394 dated 09.12.2019 and Order No. 228 dated 24.06.2020. By Memo 394, the respondent authorities informed him that replies to the show cause was not found satisfactory. However, salary bills for the month of November, 2019 will be released and the period of absence from 30.07.2019 to 27.11.2019 totalling 121 days has been regularised as Earned Leave in absence of proper medical certificates. Further, all the retiral benefits will be released. The Memo 228 is an order releasing his payment of leave salary for 194 days. Mr. Ray does not press for any direction relating to this Memo. However, Mr. Ray submits that since in Memo 394, 121 days of absence has been regularised as Earned Leave, the same should have been regularised as medical leave for the reason that he had submitted his medical certificates. Disputing the submission of Mr. Ray, Ms. Sarkar submits that the applicant had not submitted proper and required medical certificates; he had submitted only some prescriptions which could not be considered as per rules. For regularisation of absence under medical leave, the employee was required to comply with the relevant rules by submitting all relevant

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documents like medical certificates. Further, the applicant was given the opportunity to appear before a Medical Board, but he did not appear. By not attending the Medical Board for his medical examination and also not submitting proper medical documents, the respondent authorities were not satisfied and, therefore, such absence period was not considered as commuted leave. Mr. Ray does not deny that the applicant could not attend the Medical Board.

Having heard the submissions and considering the facts and circumstances of the case, the Tribunal does not find any illegality on behalf of the respondent authorities in passing Memo 394 dated 09.12.2019. It is a well established rule for employees to submit relevant documents in support of their leave of absence from office. In this case, it has become clear that the applicant had neither submitted the required relevant documents nor attended the Medical Board and thus not able to satisfy the respondent authorities for granting him his commuted leave. Hence, this application not having any merit is disposed of without passing any orders.

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

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