

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 432 of 2020

*Santosh Kr. Ghanta* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Learned Advocate.
	For the State Respondent	: Mr. G.P. Banerjee, Learned Advocate.
<u>10</u> 05.05.2022		

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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

Supplementary affidavit has been filed today as per leave granted on 15.03.2022 and the same be kept on record.

The counsel for the applicant has submitted that the applicant was absent during the period from 01.07.2001 to 31.12.2004 and subsequently from 01.05.2005 to 31.03.2015 due to his personal difficulties. However, he earlier approached this Tribunal in OA No. 4366 of 2008, which was disposed of vide order dated 07.12.2010, granting liberty to the applicant to file an application for regularisation of his leave and subsequently, the respondents were directed to dispose of such leave application as per rules and to make payment if he would be, otherwise, eligible for payment of pay and allowances for the absent period. However, till date the period of absence of the applicant has not been regularised. Subsequently, he had moved before this Tribunal praying for fixation of pay as per ROPA, 1998 and ROPA, 2019. However, that has also not been considered and is pending before the authority till date. In the meantime, he has retired on 30.04.2021 and however, neither he has been paid salary as per the court's order nor any pensionary benefit has been paid to him.

However, during the course of the hearing, the counsel for the applicant has submitted that he wants to make a comprehensive representation before the authority and it would suffice his purpose, if the authority will

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consider the case of the applicant treating this OA as a part of the said representation and communicate the same within a stipulated period of time with necessary action.

The counsel for the respondent has no objection to such proposition. However, as per the counsel for the applicant since the applicant was absent for a long period for more than five years, therefore, the Secretary, Department of Irrigation and Waterways is the competent authority to consider the case of the applicant.

In view of the above, the applicant is at liberty to make a comprehensive representation in this regard within a period of four weeks and the Secretary, Department of Irrigation and Waterways is directed to dispose of such representation treating this OA as a part of it taking into account the judgment passed by the Tribunal in the earlier occasion in this regard and communicate his decision by way of a reasoned and speaking order with follow up action, if any, within a period of ten weeks from the date of receipt of such representation, if any.

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

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

CSM/SS