

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 455 of 2023

Dr. Arup Ratan Saha -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. A. Mitra, Ld. Advocates.
<u>02</u> 24.08.2023	For the State respondent	: None.

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.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

In terms of an order of this Tribunal in MA 24 of 2023 (OA 143 of 2023) dated 02.05.2023, the respondent, Director of Health Services, passed a reasoned order dated 07.06.2023. The reasoned order after considering the application for study leave rejected the same primarily on the ground that the applicant is facing a departmental proceeding. Since a departmental proceeding is pending, no vigilance clearance could be issued in favour of the applicant and, therefore, the prayer for study leave cannot be granted.

Submitting on behalf of the applicant Mr. Ghosh, learned counsel refers to a Notification No. 43015 dated 07.12.2022 issued by the Senior Special Secretary, Department of Health & Family Welfare. This Notification allows Dr. Ratan Sasmal, who is also facing a departmental proceeding for study leave for a period of one year on certain conditions. The primary condition being that Dr. Ratan Sasmal will not claim any salary during the study leave period and will cooperate with the Department in the proceeding of enquiry for pending vigilance case against him. Submission of Mr. Ghosh is that similar to Dr. Ratan Sasmal's case, this applicant is also willing to comply with any conditions laid down by the respondent authority while considering his application for study leave.

After hearing the submission of Mr. Ghosh, this application is disposed of by directing the Respondent No. 1, the Secretary, Department of Health &

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Family Welfare to reconsider the application for study leave of this applicant in the light of the Notification No. 43015 dated 07.12.2022 within a period of 4 (four) weeks from the date of communication of this order provided the facts and circumstances of this case are also similar to Dr. Ratan Sasmal's case relating to departmental proceedings and application for study leave.

Accordingly, the application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS