

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 458 of 2020

**Prasanta Ranjan Santra -- VERSUS – The State of West Bengal & Ors.**

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|---------------------------------|--|---|
| Serial No. and<br>Date of order | For the Applicant                        | : Mr. B.R. Neogi,<br>Mr. A.K. Niyogi,<br>Learned Advocates. |
| <u>06</u><br>26.03.2021         | For the State Respondent<br>No. 1, 2 & 4 | : Mr. S. Ghosh,<br>Ld. Advocate.                            |
|                                 | For the State Respondent No. 3           | : Mr. G.P. Banerjee,<br>Learned Advocate.                   |

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant applicant application has been filed praying for following relief :

- (a) "A direction upon the respondents to forthwith comply with the provisions of Rule 168A(2)(a) and 168A(2)(b)(ii) and release the benefit of Leave encashment for 300 days with interest and also further directing the said respondents to forthwith release accumulated sum towards Groups Insurance with interest and also direct the respondents to regularize the period from 26.10.2016 to 31.10.2016 and to pay the applicant salaries and allowances from 26.10.2016 to 31.10.2016 with Administrative Allowance as per letter dated 14.3.2018 issued by Director of Personnel which is Annexure "D" to this application;
- (b) Issuance of any other order or orders and/or direction as this Hon'ble Tribunal may deem fit and proper"

The counsel for the applicant retired on superannuation on 31.10.2016. However, till date neither he has not been paid Earned Leave nor the period from 26.10.2016 to 31.10.2016 has been regularized in this regard.

**ORDER SHEET**

Form No.

**Prasanta Ranjan Santra**

Case No. **OA 458 of 2020**

**Vs.**  
**The State of West Bengal & Ors.**

The counsel for the applicant has drawn my attention to the Memo dated 14.02.2018 issued by the Director of Personnel & Ex-Officio Chief Engineer to the Principal Secretary to the Government of West Bengal, Water Resources Investigation & Development Directorate requesting him to consider the representation of the applicant as well as take necessary steps to regularised his services. It has been further submitted by the counsel for the applicant that one disciplinary proceeding was pending against the applicant, which he had challenged before this Tribunal in OA No. 383 of 2019, wherein the respondent has undertaken not to proceed till the final disposal of the said OA, which is still pending before this Court. However, during the course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose if the authority would be directed to take final decision with regard to the regularisation of the afore mentioned period as per Memo dated 14.02.2018 and to make payment of Earned Leave as per rules.

The counsel for the respondents has no objection if the respondents would be directed to take final decision as per rule and law.

In view of the above, the Principal Secretary, Water Resources Investigation & Development Directorate, Government of West Bengal is directed to take final decision with regard to the regularisation of the period as well as payment of Earned Leave as indicating in Memo No. 871/1(4) dated 14.03.2018 and to take final decision as per rules and law and communicate the same by way of reasoned and speaking order with follow up action if any within a period of 12 (twelve) weeks from the receipt of the order.

Accordingly, OA is disposed of with no order as to cost.

Parties are directed to act upon the Website copy of the order.

HS

Mrs. URMITA DATTA (SEN)  
MEMBER (J)