

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 468 of 2023.

BIMAL PAL -VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
17.01.2024

For the Applicant : None.

For the State Respondents : Mr. S.N. Ray,
Learned Advocate.

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 for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned order dated 01.02.2023 passed by the Director of Technical Education in terms of this Tribunal's order in OA 28 of 2022 and direct the respondent authorities to count the past service of the applicant from 06.09.1996 for the pensionary benefits and from 01.01.2001 to 01.06.2006 for the benefit under Career Advancement Scheme. The impugned order after considering the matter in detail, comes to the conclusion that the unauthorised absence of the applicant in two spells from 06.01.2003 to 31.07.2003 and from 28.01.2004 to 02.01.2005 "*cannot be regularised as per existing rules and as such there is no question of counting the said period for the purpose of CAS benefit*".

In terms of the direction of the Tribunal in OA 28 of 2022, the respondent – the Director of Technical Education passed a reasoned order dated 01.02.2023. The applicant was given opportunity of hearing and was heard the prayer for counting his past service.

After considering his prayer, the reasoned order noted that for pursuing his M. Tech course without permission, he remained absent for a total 548 days from

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06.01.2003 to 31.7.2003 and from 28.01.2004 to 02.01.2005. Since his application for study leave for two years was not granted, this period was taken as period of absence. Therefore, this period of 548 days could not be taken into account for counting of his past service.

Since in an analogous matter of the same applicant (OA 467 of 2023) an order has been passed, no separate order is required to be passed in this application. The prayer in this application has become infructuous in view of this Tribunal's order in OA 467 of 2023. This application stands disposed of.

Therefore, no order is required to pass in this application.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.