

# 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 542 of 2022

**Michael Murmu - VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. M.N. Roy,  
Mr. G. Halder,  
Ld. Advocates.  
For the State Respondent : Mrs. S. Agarwal,  
(Judicial Department) Ld. Advocate.

07  
13.02.2023

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

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mrs. S. Agarwal, learned counsel appearing on behalf of the Judicial Department submits that the applicant is a habitual absentee and unless these absent days are regularised, it is not possible to clear his arrear salaries. She refers to the details of such absentism as recorded in the Reasoned Order. Submission is that accommodation may be given to complete this process first. The period of absence which is to be regularised when he had been working under DPPG, Uttar Kanya, Siliguri, as recorded in the Reasoned Order are as follows :

“ i) *From 03-12-2014 to 09-12-2014 (7 days) and from 16-12-2014 to 23-06-2015 (190 days), he had enjoined total 197 days leave [excluding casual leave] without any prior intimation to this office. However, he was allowed to join and copy of said letter had been send to D.P.P.G., Purta Bhavan & Judicial Deptt. Vide Memo No. 82-DPPG (UK) dated 24-06-2015.*

ii) *Again from 07-09-2015 to 08-10-2015, he remained absent for 33 days at a stretch [excluding casual leave] without prior intimation.*

iii) *In 2016, he had enjoined leaves for 29 days*

*excluding casual leaves.*

*iv) For the tenure of 01-01-2017 and 08-08-2017, Sri Murmu continued to enjoy leaves without prior intimation. During this period he remained absent for **73 days** [excluding casual leave].*

*v) From 09-08-2017 to 02-01-2018, he is absent at a stretch for **147 days** [including casual leave] in his duties. On 10-10-2017 an application for indefinite leave has been received from Sri Murmu and copy of the same has been sent to D.P.P.G, Purta Bhavan & Judicial Deptt. Vide Memo No. 286-DPPG (UK) dated 11.10.2017. Also this office has sent a request to divert the posting of Sri Murmu vide Memo no. 330-DPPG (UK) dated 08-12-2017.*

*vi) Sri Murmu has intended to join this Branch office on 03-12-2018 but was denied as the decision was pending to the Higher Authorities and this office has informed the matter to DPPG, Purta Bhavan and Judiciary Department vide letter no. 01-DPPG (UK) dated 04-01-2018.*

*vii) A letter was issued by the Director, DPPG vide memo no. 31/DPPG/19E-01/2014 dated 11-01-2018 to the OSD & Ex-Officio Deputy Secretary, P & AR Deptt. with the request to divert the posting of Sri Murmu to his parent Deptt.*

*viii) Also in 18-12-2020, i.e. after a gap of almost two (2) years, Sri Murmu again came to this office for joining and this office informed the matter to DPPG, Purta Bhavan and Judiciary Department vide our Memo No. 123-DPPG (UK) dated 18-12-2020. He was*

ORDER SHEET

Form No.

Michael Murmu

Case No. OA 542 of 2022

Vs.  
THE STATE OF WEST BENGAL & ORS.

---

*denied joining at Uttarkanya without the consent of the Director, DPPG as a letter was already been issued from the part of DPPG, Salt Lake to revert his posting to the parent Deptt.”*

After hearing the submission of the learned counsels, the respondent no. 5, the Director, Pension, Provident Fund & Group Insurance, Government of West Bengal is directed to start the process of regularisation of the absence period as noted above within a period of eight weeks from the date of communication this order.

The DPPG is further directed to released the applicant's current salary if he has been attending office regularly. Payment of current salary of the applicant if he attended the office should not be withheld, unless, there is sufficient reason as per the Rules.

Mrs. Agarwal assured the Tribunal that although she represents the Judicial Department but she will communicate the Tribunal's Order to DPPG and co-ordinate with each of the respondents.

Let the matter appear under the heading “**For Orders**” on **06.06.2023** with an update on the progress of regularisation of absence/leave by the respondent no. 5.

SAYEED AHMED BABA  
Officiating Chairperson & MEMBER (A)

H.S