

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

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 : None.

04
29.09.2022

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for the following reliefs :

“(a) An order do issue directing the concerned respondent authorities to forthwith pay regular salary month by month after regularization of the absence period of your applicant under the establishment within a stipulated time period taking into account the leave application and leave statements as forwarded by the office of the Joint Director, DPPG (Branch Office), Uttar Kanya, Siliguri within a stipulated time period.

(b) An order do issue directing the respondent authorities to regularize the absence period in accordance with law so that future complication can be avoided in accordance with law, within a stipulated time period.

(c) An further order to issue directing the concerned respondent authorities to forthwith pay arrear salary to your applicant @ 18% interest per annum till the actual date of realization of the same.

(d) An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble Tribunal so that conscionable justice may be delivered.

(e) An to pass any other Order/ Orders, Direction / Directions as this Hon'ble Tribunal deems fit and proper in the ends of Justice.”

During the course of the hearing, the counsel for the applicant has submitted that though he had joined the post of UDA in the office of the respondent No. 6 i.e. the Joint Director, DPPG (Branch Office), Uttar Kanya.

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However, from the date of his joining till date, he has not been paid salaries. The counsel for the applicant has submitted that though the Joint Director, DDPG, Uttar Kanya had forward his joining report to the Director, DPPG, Purta Bhavan, Salt Lake. Even then, he has not been paid salaries. Being aggrieved with, he has filed the instant application. It has been further submitted that though he has filed the affidavit of service and the matter was taken up on 29.08.2022, 15.09.2022 and 26.09.2022 and the applicant again communicated the order dated 15.09.2022 to enable them to appear before this Tribunal, even then, none had appeared 26.09.2022 even not today. Therefore, the counsel for the applicant has prayed that during the pendency of this application, the respondents may be directed to disburse the salaries from his date of joining as an interim measure.

None has appeared on behalf of the respondents today.

It is noted that the application was heard on 29.08.2022 upon serving notice to the respondents on 15.09.2022. Since none appeared, therefore, the applicant was further directed to serve notice to the respondent No. 5 which was served upon them on 21.09.2022, even on 26.09.2022, none appeared. On that date, this Tribunal had granted last chance to the respondents. It is noted that the applicant had submitted his joining report by letter dated 27.12.2021, which was forwarded by the Joint Director, DPPG (Branch Office), Uttar Kanya vide his Memo. dated 28.12.2021 to the Director, DPPG, Purta Bhavan, Salt Lake. As no salary was disbursed to the applicant, he again made a representation to the Deputy Secretary, Judicial Department, Establishment Branch on 09.02.2020 for disbursement of his salaries, which was further forwarded by the Joint Director, DPPG (Branch Office), Uttar Kanya to the Deputy Secretary, Judicial Department, Establishment Branch for taking appropriate action. Even then till today, neither he has been paid salaries nor any of the respondents have appeared before this Court even after repeated notices.

In view of the above, the respondents are directed to make payment of due arrear salaries from the date of his joining as well as regular salaries

ORDER SHEET

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immediately.

Admit.

The respondents are further directed to file reply by four weeks and rejoinder, if any, by two weeks thereafter.

Let the matter be placed before the **Registrar Bench** on **25.11.2022** for completion of pleadings.

URMITA DATTA (SEN)
Officiating Chairperson & Member (J)

CSM/SS