

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 544 of 2022

Tapan Kumar Mondal. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. K. Rath, Mr. M. K. Sadhu, Advocates.
<u>02</u> 12.09.2022.	For the State Respondents	: None.

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.

In the instant application has been filed basically praying for release of due salary for the period from December, 2017 to October, 2018. During the course of the hearing, the counsel for the applicant has submitted that along with the aforesaid period, he has also prayed for payment of 25 years Career Advancement Scheme Benefit. However, he does not want to press the same prayer at present as it is a plural remedy.

Prayer is allowed.

The counsel for the applicant has submitted that the applicant was imposed with a penalty of stoppage of one annual increment by order dated 29.10.2018 on account of unauthorized absent for the period of 12.02.2014 to 18.09.2014 and from 10.07.2017 to 27.12.2017. However, his salary from end of 2017 to October, 2018 was withheld during the pendency of disciplinary proceeding and was not paid. In this regard, he made representations dated 17.06.2019, even the Officer-in-Charge, Civil Defence, Purba Bardhaman vide Memo. dated 11.12.2018 (Annexure-‘D’) directed the concerned dealing assistant to prepare bill in favour him from December, 2017 to October, 2018. Subsequently, the Sub-Divisional Officer, Katwa, Purba Bardhaman vide Memo. dated 14.08.2019 and forwarded the prayer of the applicant to the District

ORDER SHEET

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Magistrate & Controller of Civil Defence, Purba Bardhaman. Even then, till date he has not been paid salary for the aforesaid mentioned period. In the interim, he had retired on 30.11.2020.

Therefore, the counsel for the applicant has prayed for a direction to the respondent no. 2(ii) - the District Magistrate & Controller of Civil Defence, Purba Bardhaman to disburse the said due salary within a stipulated period of time.

Though affidavit of service has been filed, none appears for the respondents. Heard the counsel for the applicant and perused the records. It is noted that the Officer-in-Charge, Civil Defence, Purba Bardhaman himself had directed the dealing assistant to prepare bill and make payment of salary for the rest of the month from December, 2017 to October, 2018, however, as per the applicant, till date he has not been paid.

In the above scenario, the respondent no. 2(ii) - the District Magistrate & Controller of Civil Defence, Purba Bardhaman is directed to take appropriate steps to make payment and communicate the decision of due salary as has been reflected in their Memo. dated 11.12.2018 and dated 14.08.2019 within a period of two months from the date of receipt of this order, if not has been paid already.

Accordingly, the O.A. is disposed of.

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

S.M.