

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 628 of 2023

Ashutosh Jha -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Agarwal,
Ld. Advocate.
For the State respondent : Mr. G. Halder,
Ld. Advocate.

03
22.04.2024

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

The applicant had prayed for setting aside the impugned order passed by the Collector of Uttar Dinajpur dated 26.05.2022. In the supplementary application filed, the applicant has prayed for a direction upon the District Magistrate, Uttar Dinajpur to treat continuation of his service in the post of Night Guard from his first appointment on 03.09.2003. From the submissions and records, it has become clear that the applicant had joined the office of the Collector, Uttar Dinajpur on 21.02.2012. By the same order dated 26.05.2022, the pay of the applicant was refixed taking into consideration his unauthorised absence. The argument of Mrs. Agarwal is that the applicant was first appointed as Chowkidar by an order no. 882 dated 03.09.2003, but the respondent authority did not consider his first date of appointment and accordingly fix the pay. The Tribunal finds that by an order no. 1668 dated 08.09.2011, the Disaster Management Department had accepted his resignation to enable him to join the office of the District Magistrate and Collector, Uttar Dinajpur. From this document, it is evident that though he may have been appointed to the post of Chowkidar on 03.09.2003 but after serving for 8 years, he tendered his resignation which was accepted and afterwards he joined the new office of the District Magistrate and Collector, Uttar Dinajpur in the post of Group-D on 21.02.2012. Therefore, the Tribunal fails to find any merit in the prayer of the supplementary for continuation of his service since 03.09.2003. Further, another copy in this application also reveals that a final show cause notice was issued to him on 20.04.2022 for his

ORDER SHEET

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“gross negligence of duty” for remaining absent without notice from his office duties.

From the above observations, it is abundantly clear that the applicant has tried not only to extend his service benefits for a longer period by making such a false prayer but also tries to find shelter from the show cause notice issued to him by the authorities.

Such mischief and unethical actions are not warranted and deserves to be punished. Hence, a cost of ₹ 10,000/- is imposed on the applicant for trying to suppress facts and misleading this Tribunal. The respondent no. 2, the District Magistrate and Collector, Uttar Dinajpur is directed to deduct this amount of ₹ 10,000/- from the salary of the applicant in 5 (five) equal instalments from the month of April 2014.

With the above directions, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS