

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA- 66 of 2024

Sandipan Sarkar - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

02
19.09.2024.

For the Applicant

:

Mr. S.K. Dutt,
Mr. K.R. Chatterjee,
Learned Advocates.

For the State Respondents

Ms. R. Sarkar,
Mr. S. DebRoy,
Mrs. A. Bhattacharya,
Learned Departmental Representatives.

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.

Vakalatnama filed, be kept with the record.

In this application the applicant has prayed for a direction to the respondent authorities to disburse his salary from the month of July, 2023. The case in brief is that the applicant holding a post of Revenue Officer and posted in Purba Bardhaman was issued a show cause notice on 28.03.2023 relating to certain irregularities in his office works. The same show cause notice was received by the applicant on 30.03.2023. Mr. Dutt, learned counsel submits that without any notice to the applicant, his salary was stopped from the month of July, 2023 onwards. Subsequently by an order dated 12.07.2024, the applicant was transferred from Purba Bardhaman to Malda.

From the submissions of both the sides, the Tribunal understands that the salaries were stopped to the applicant without any notice. A show cause notice was issued but it did not mention any intent of the respondent authorities for stoppage of salary. The applicant was transferred to Malda and he joined on 22.07.2024. The applicant had stopped performing his duties in his earlier posting at Purba Bardhaman from March, 2023 till June, 2024 though he received the salaries during March to June, 2023. It has also been made known to the Tribunal that

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Form No.

Sandipan Sarkar

Vs.

Case No **OA- 66 of 2024**

THE STATE OF WEST BENGAL & OTHERS.

sometime in March, 2023, he had submitted his resignation letter through email which was later withdrawn. From the above observations it is clear to this Tribunal that the respondent authorities have not given any order or assigned any reason why his salary has been stopped. From the facts mentioned above it appears that such salary was stopped to him for his unauthorised absence as well as his performance as manifest in the show cause notice. However, the Tribunal is of the view that the respondent authorities ought to have considered the entire matter and passed an order if salary had to be stopped.

With the above observations, the Tribunal disposes of this application by directing the Respondent No. 3, Director of Land Records & Surveys and Jt. L.R.C, Alipore, Kolkata – 27 to consider the entire matter including his unauthorised absence, reasons for stoppage of salary from the month of July, 2023 till now and the representation submitted by the applicant on 28.11.2023 before him and pass a reasoned order in accordance with rules within a period of three months from the date of communication of this order. The reasoned order also be communicated to the applicant within two weeks thereof.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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