

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 661 OF 2023**

SUBHRAJIT GUHA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

01
04.12.2023

For the Applicant	:	Mrs.Sonali Mitra Advocate
For the State Respondents	:	Ms.Ruma Sarkar Mr.Sourav Debray Mrs.A.Bhattacharya (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.

On consent of the learned counsel and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned order dated 24.06.2022. This order was passed by the respondent authority imposing certain punishment due to his long unauthorised absence from office. Attention has also been drawn to an order passed by the High Court in a matter relating to the same applicant, the relevant para is as under:

“7. Before parting with the order we are constrained to comment on the working of the Government as well. Here is an employee who is absenting from service for more than eight-nine years but no action was taken against him. Some authority in the department has to be accountable for this. This may not be a case in isolation where no action was taken in the case of employees who are continuously absenting from duty without sanction from the competent authority. Data pertaining to

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all such cases need to be collected and appropriate action should be taken in terms of applicable rules.”

In terms of such direction of the Hon'ble High Court, the respondent had passed the order dated 24.06.2022. It is also observed that the applicant had accepted all the conditions of the impugned order unconditionally and in compliance, joined his office on 29.06.2022.

After hearing the submissions of the learned counsels and considering the facts and circumstances of the case, the Tribunal finds that this application is not admissible on the ground that on one hand the applicant prays for assailing the impugned order dated 24.06.2022 and at the same time, the applicant had accepted the terms of the order. Such contradiction in this application makes this application inadmissible and therefore, disposed of without any orders.

Accordingly, the application is disposed of.

BLR

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