

ORDER SHEET

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 703 of 2023

Tochhikul Biswas - VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Ms. P. Banerjee, Learned Advocate.
<u>02</u> 04.12.2023	For the State Respondents Nos. 1,2,4,5,6&7	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Deptl. Reps.

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.

Affidavit of service filed be kept on record.

The applicant has prayed for setting aside the impugned order dated 15.06.2023 passed by Sub-Divisional Land & Land Reforms Officer, Tehatta, Nadia by which the salary of the applicant has been withheld from the month of June 2022 till date. It appears from the submissions and the records that the applicant has not been attending his office as Amin since June 2022. A Show Cause Notice was also issued to him for such an unauthorised absence. In reply, the applicant has cited medical reasons for not being to attend the office. The same representation also prays for transferring his job to his daughter as he is “physically incapacitated”. A Medical Board was formed to examine his medical condition and the medical report was later submitted.

Submission of the Learned Departmental Representatives is that the applicant suffers only from “mild weakness” as per the medical report and he is physically capable to perform his duty as a Government employee. Further, since he does not suffer from complete medical

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incapacitation, the question of transferring his job to his daughter is not only impermissible but rules also do not allow such requests.

Having heard the submissions of the learned counsels and examining the records, this application is disposed of by directing the applicant to join his office immediately. The respondent no. 5, Sub-Divisional Land & Land Reforms Officer, Tehatta, Nadia is directed to accept his joining report and regularise his leave as per rules. Further after such regularising his leave as per rules, his backwages, if admissible be paid.

Accordingly, the matter is **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

HS/SS