

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-704 of 2023

Elina Lepcha -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. R.K. Roy,
Ld. Advocate.

For the State Respondent : Mr. S.N. Ray,
Ld. Advocate.

02
29.01.2024

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.

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities to disburse her unpaid salaries with arrears. From close reading of this application, the applicant was appointed as an Assistant Child Development Project Officer since 23.08.1994. Due to some personal reasons, the applicant had stopped attending to her duties and took medical leave from time to time. At a later date, she applied for voluntary retirement with effect from 01.08.2017. The applicant is to be superannuated on 31.05.2030 and prays for granting her leave salary including increments and voluntary retirement benefits. In this regard, she had also submitted one representation for granting the voluntary retiral pension dated 06.05.2023. However, from the prayers sought for in this application, she has only prayed for clearance of her unpaid salaries with arrears. There is no mention regarding her voluntary retirement. The Tribunal finds that such prayer for payment of unpaid salaries with arrears cannot be admissible since the main issue relating to her voluntary retirement has not been stated. As prayed for, liberty is given to the applicant's side to mould this prayer properly incorporating her prayer in the representation for voluntary retirement.

Let the matter appear under the heading "**Admission Hearing**" on **01.07.2024**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)