

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J). &

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – OA 735 of 2021

Sumanta Mukherjee - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. M. Roy Dey, Learned Advocate.
<u>02</u> 16.11.2021	For the State Respondent	: Mr. S. Ghosh, Mrs. S. Agarwal, Learned Advocates.

Mrs. M. Roy Dey, Learned Advocate for the applicant has submitted that she has been newly engaged in this matter. Therefore, she is filing Vakalatnama with No Objection of earlier advocate. Let the Vakalanama be kept on record.

The counsel for the applicant has submitted that though the applicant has been suspended by order dated 21.09.2021, but till date he has not been paid the subsistence allowance. However, the counsel for the respondent has drawn our attention to the suspension order dated 21.09.2021 wherein it has been specifically mentioned that as per service rule, the applicant has to file a Non-Employment Certificate before the DDO and thereafter only the subsistence allowance will be paid to the applicant. However, till date, he has not submitted any Non-Employment Certificate. Therefore the authority is not in a position to pay subsistence allowance.

During the course of the hearing, the counsel for the applicant has submitted that the applicant undertakes to submit Non-Employment Certificate before the appropriate authority within 7 days.

In view of the above, if the applicant would have submitted the Non-Employment Certificate before the authority within 7 days, the authority is directed to take appropriate steps for payment of subsistence allowance within a period of 15 days from the date of receipt of the Non-Employment Certificate.

Let the matter be listed on **14.12.2021** for '**Admission Hearing**'.

H.S

Mr. SAYEED AHMED BABA
MEMBER (A)

Mrs. URMITA DATTA (SEN)
MEMBER (J)