

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 798 OF 2022

**PULAK SHARMA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. A. Chakraborty,  
and Mr. S.K. Bhowmick,  
Date of Mr. S.K. Bhowmick,  
order Advocates  
5 For the State Respondents : Mr. Sankha Ghosh,  
11.04.2023 Advocate

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 23<sup>rd</sup> 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 parties, the case is taken up for consideration sitting singly.

As per submission of the learned counsel for the applicant, the prayer (II) for withdrawal of the suspension has been fulfilled by an order of the respondent dated 22.03.2023 by which his suspension has been revoked. Learned counsel also points to the concluding paragraph of the said order which is as under :

*“Now therefore, as per the said report, suspension of Shri Pulak Sharma is hereby withdrawn and he is being directed to join his duty immediately. His service from the date of suspension to the date of joining to his duty shall be treated as ‘spent on duty’.*

*This order issues with the approval of the Competent Authority of this Department.”*

Submission is that in view of the above order in which a specific mention has been made that the period of suspension shall be treated as “spent on duty”, therefore, the arrears of salary during this period of suspension be disbursed to the

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applicant.

Mr. Sankha Ghosh, learned counsel appearing on behalf of the respondents submits that if such a direction is given, the same will be complied as per norms.

After hearing the learned counsels and considering the fact that the suspension of the applicant has been revoked and the suspension period has been declared as the period 'spent on duty' the respondent No.3, the Director General, West Bengal Fire and Emergency Services, Kolkata is directed to sanction and disburse the arrears of his salary pertaining to the period of suspension within a period of sixteen weeks from the date of communication of this order.

Accordingly, the matter is disposed of.

(SAYEED AHMED BABA)

OFFICIATING CHAIRPERSON

and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL