

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 813 of 2018.

ASIS BHATTACHARJEE - VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

13
18.12.2023

For the Applicant : Mrs. Manika Roy,
Learned Advocate.
For the State respondents : Mr. G.P. Banerjee,
Learned 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 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 for the contesting parties, the case is taken up for consideration sitting singly.

Responding to the submission and prayer of the applicant, Mr. G.P. Banerjee, learned counsel for the State respondents draws attention to Memo No. 9775-F dated 19th October, 2001 and emphasises that eligibility for benefits under 25 years MCAS is the sole discretion of the respondent authority and only upon satisfactory and continuous service, an employee is entitled for such benefit. In this case, the applicant's performance has not been found satisfactory and a disciplinary proceeding is being conducted against the applicant.

Ms. M. Roy, learned counsel for the applicant opposes the statement made by Mr. Banerjee and says the applicant, irrespective of disciplinary proceeding is otherwise entitled to receive benefits of 25 years MCAS. Further, the applicant had become eligible for such benefits in the year 2011 prior to the charge sheet issued to the applicant on 23rd February, 2012.

Responding to Mrs. Roy's statement above relating to entitlement prior to

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the charge sheet, Mr. Banerjee draws attention to Memo No. 254 dated 10.8.2010 in which it appears that the applicant was directed to give a written clarification on some points relating to an enquiry against him. In terms of such direction, Mr. Banerjee refers to page 19 in which it appears the applicant had appeared before the Anti Corruption Unit.

Mrs. Roy, however, disagrees and points out that mere attendance before the ACB does not mean that the applicant has been found guilty and can be deprived of his entitled MCAS benefit.

Let further submission be heard on 25.7.2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.