

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 814 of 2019

Sri Biman Mondal. - Versus - The State of West Bengal & Others.

Serial No. and
Date of order

For the Applicant

: Mr. G.P. Banerjee,
Mrs. S. Agarwal,
Ld. Advocates.

18
04.04.2024.

For the State Respondents

: Mr. Sourav Bhattacharjee,
Ld. 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondents to pay his full salary together with other consequential benefits. By a representation furnished by the applicant before the Superintendent of Police, Government Railway Police, Sealdah on 21.06.2019, the applicant had expressed his grievance that an amount of Rs. 4,036/- was deducted from his salary on account of 'OD'. Instead of getting Rs. 19,982/- as his salary, he had received only Rs. 15,946/-.

Though the representation and other papers in this application do not reveal as to why such an amount was deducted from his salary, but on perusal of reply by the respondent authority, it appears that the applicant was on unauthorised absence and despite notices issued to him for resuming his duty, he had disobeyed. The reply states that for a total of 36 days the applicant remained absent. He was given an opportunity to be heard and after scrutinising his documents, the concerned authority issued him a punishment of censure and recommended 36 days of absence as EOL (Extra Ordinary Leave). Accordingly, Rs. 4,036/- which was earlier paid to his salary was deducted.

After hearing the submissions of the learned counsels and on

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examination of the records, it is clear to this Tribunal that such deduction of Rs. 4,036/- was not an arbitrary action on behalf of the respondent authority but as a result of his unauthorised absence. The applicant belongs to a uniform service and discipline and devotion to duty are an integral part of service. Thus, such an action taken by the respondent authority against the applicant was permissible in law and was executed after following due procedures. Thus, the Tribunal does not find the prayer in this application having any merit and is disposed of without passing any order.

Thus, the application is disposed of.

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

CSM