

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 84 of 2023

Smt. Suhara Bose. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. A. Chatterjee, Advocate.
<u>03</u> 20.04.2023.	For the State Respondents	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharya, Departmental Representatives.

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.

Mr. A. Chatterjee, learned counsel appearing on behalf the applicant prays for liberty to add the Sub-Divisional Land & Land Reforms Officer (SDL&LRO), Tehatta, as one of the respondents.

Prayer is allowed. Let SDL&LRO, Tehatta be added as Respondent No. 5 in the cause title during the course of the day.

The prayer in this application is for direction to the authorities to release arrear amount pertaining to the period of suspension during the period 12.05.1987 to 02.04.1993. Mr. Chatterjee submits that on 18.12.2019, a specific direction was given by the DL&LRO, Nadia to SDL&LRO, Tehatta for payment of the arrear pay to the legal heirs of the deceased employee, Sushil Kumar Bose, Ex-Amin.

Attention is also drawn to Memo. No. 9-Lands/2769/93 dated 22.03.1993 issued by the District Land & Land Reforms Officer, Nadia ordering re-instatement of the employee in the same post with full pay and allowances and normal incremental benefits during the entire period of suspension.

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The main body of the Order is quoted below :-

“ O R D E R ”

“The suspension order of Shri Sushil Kumar Bose, Amin under Integrated Set-up of L.R.Administration, Nadia who was under suspension is hereby withdrawn and Shri Bose is reinstated in the same cadre and post from the date of suspension. He shall draw full pay and allowances with normal incremental benefit for the entire period of suspension minus the amount already drawn under the suspension period. He should submit his joining report to the Sub-divisional Land & Land Reforms Officer, Krishnagar as Amin immediately.

Sd/-

(B. N. SINHA ROY)

DIST. LAND & LAND REFORMS OFFICER, NADIA

KRISHNAGAR : : NADIA.”

Submission on behalf of the applicant is, despite such clear direction by his superior authority, the SDL&LRO, Tehatta has not complied with such order and sanctioned the arrear amount.

After hearing the learned counsels and considering the facts and circumstances, the SDL&LRO, Tehatta is directed to immediately prepare a proposal for sanction and release of admissible arrear amount during the period of suspension to be sanctioned in favour of the legal heir, Mrs. Suhara Bose. Such a proposal should be submitted to the Land & Land Reforms Department through proper channel within 8 (eight) weeks from today.

The respondent no. 1, the Principal Secretary, Land & Land Reforms Department is requested to consider such a proposal when submitted by SDL&LRO, Tehatta within a period of 6 (six) weeks from the date it is submitted and issue the relevant sanctioned order if these are found to be proper and admissible .

Accordingly, the matter is disposed of.

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

S.M./H.S.