

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,**      **HON'BLE CHAIRMAN.**

Case No. – OA 871 of 2021.

ANISH MAITI – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Sukumar Ghosh, Ms. Moumita Ghosh, Advocates.
<u>2</u> 11.4.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents.

In this application, Anish Maiti, the applicant has prayed for several reliefs, the relevant portion of which are as under :-

*“a) An order directing the respondent authorities to allow the applicant to join in his duty as a General Duty Attendant in the present place of posting;*

*b) An order directing the respondents to release the withheld salary forthwith;*

*c) An order directing the respondent authorities to consider the representations made by the applicant time to time on diverse date forthwith;....”.*

It appears that the applicant was appointed on 25<sup>th</sup> January, 2019 and was posted under the Block Medical Officer of Health, Paikpari Rural Hospital, Kolaghat, Purba Medinipur and joined the post on 30<sup>th</sup> January, 2019. The applicant on 6<sup>th</sup> April, 2021 received an FIR issued

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by the Officer in-charge Durgapur Police Station involving him in a criminal case in criminal Misc. Case No. 153 of 2021 under section 376/417/20B under Chief Judicial Magistrate, Durgapur. The applicant was arrested and subsequently granted bail on 6<sup>th</sup> July, 2021 by the Learned Additional Sessions Judge, 1<sup>st</sup> Court, Durgapur. Thereafter, the applicant received a show cause letter issued by the Block Medical Officer of Health, Paikpari Rural Hospital, Kolaghat, Purba Medinipur, - the respondent no. 3. According to the applicant, though by letter dated 15<sup>th</sup> June, 2021 he has replied to the said show cause notice letter dated 10<sup>th</sup> June, 2021, however, it has not been considered. It has been stated that his salary has been stopped. Prayer is he may be allowed to join duty.

Mr. Sukumar Ghosh, learned advocate for the applicant submits since the applicant has been granted bail, the respondent authorities may be directed to allow the applicant to join duty after considering the representation dated 8<sup>th</sup> July, 2021.

Mr. Goutam Pathak Banerjee, learned advocate appearing on behalf of the State respondents submits that since the applicant has not replied to the show cause letter dated 10<sup>th</sup> June, 2021, as evident from the reply dated 15<sup>th</sup> June, 2021, being annexure "E" to the application, no order may be passed.

Heard learned advocates for the parties.

Since the applicant has received the show cause letter dated 10<sup>th</sup> June, 2021, considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file reply to the show cause letter dated 10<sup>th</sup> June, 2021 to the Block Medical Officer of Health, Paikpari Rural Hospital, Kolaghat, Purba Medinipur, - the respondent no. 3 within four weeks along with a copy of this order downloaded from the website of the Tribunal. If reply is filed, the said

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respondent no. 3 shall dispose of the matter along with the representation dated 8<sup>th</sup> July, 2021 and shall pass a reasoned order to be communicated to the parties within fifteen days also dealing with the issue regarding the rejoining of service by the applicant after verifying the records.

(SOUMITRA PAL)  
CHAIRMAN.

Sk.

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