

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 88 OF 2024**

TANIMA SAHA - VERSUS- THE STATE OF WEST BENGAL & ORS.

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|---------------------------------|---------------------------|---|--|
| Serial No. and Date of order | For the Applicant | : | Mr. B.N.Roy Mr.S.Chatterjee Ms.S.Banerjee Advocates |
| <u>01</u> 19.03.2024 | For the State Respondents | : | Mr.Sankha Ghosh 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 setting aside the impugned Memo. dated 01.02.2023 which directed to resume her duties. The prayer (b) relates to a direction to regularize child care leave availed by the applicant earlier.

After hearing the submissions of the learned counsels and examining the records, it is clear to this Tribunal that the employee though having been given an opportunity has failed to resume her duties. The applicant had withdrew the earlier application OA-419 of 2023 stating that the respondent authority has allowed her to join her duties. But it is understood that despite such opportunity and direction, the applicant has failed to join and does not intend to join. By a Memo. dated 14.03.2024, the respondent, Superintendent, Domkal SDH & SSH, Murshidabad had issued a show-cause to the applicant as to why despite the direction she failed to resume her duties.

Having heard the submissions, the Tribunal has come to the finding that prayer in this application has no merit. Let this be the last opportunity for the applicant to resume her duties and comply the directions of the Superintendent,

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Murshidabad Medical College within two weeks from the date of communication of this order. The other prayer in this application will be heard only after such compliance.

Let the matter appear under the heading "For Orders" on 25th April, 2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR