

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Dr.Subesh Kumar Das (Administrative Member)****Case No. OA – 132 OF 2018 (MA-91 OF 2018)****PIYALI BARAI Vs. THE STATE OF WEST BENGAL.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>09</u> 25.09.18</p>	<p>For the Applicant : Mr.M.K.Sasmal Advocate</p> <p>For the Respondent : Mr.S.Ghosh Advocate</p> <p>By consent of Mr.M.K.Sasmal, learned advocate for the applicant and Mr.S.Ghosh, learned advocate for the State respondents, the application being OA-132 of 2018, the records of which are before Court, is treated as on day's list and is taken up for hearing along with MA-91 of 2018.</p> <p>In this application, the applicant a Staff Nurse, posted at Burdwan Medical College & Hospital by order dated 1st September, 2015, has prayed for a direction upon the respondents to set aside the memo. dated 19th January, 2018 and the memo. dated 20th January, 2018, both issued by the Medical Superintendent-cum-Vice Principal, Burdwan Medical College & Hospital, regarding her unauthorised absence of duty from 7th December, 2015 and lodging of FIR against the applicant respectively and for allowing her to join the duty after considering the representations dated 7th December, 2017, 14th December, 2017 and 16th December, 2017.</p>	

ORDER SHEET

PIYALI BARAI

Form No.

Vs.**THE STATE OF WEST BENGAL & ORS.**Case No. **OA - 132 OF 2018 (MA-91 OF 2018)**

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BLR	<p>Mr.M.K.Sasmal, learned advocate submits that though willing, the authorities are not allowing her to join the duties.</p> <p>Mr.S.Ghosh, learned advocate appearing on behalf of the respondents on instruction submits that after completion of training the applicant was appointed. However since appointment she has continuously abstained from duty which is continuing. She had drawn salary of Rs. 4,13,406/- payable from December, 2015 to 2017 and though she agreed to refund, she has not done so. Consequently, departmental proceedings have been initiated against the applicant.</p> <p>Heard learned advocates for the parties. Since, we find that the applicant has abstained from duties for two years and departmental proceedings have been initiated, no order is passed on this application. The application being No. OA-132 of 2018 is dismissed. The Miscellaneous application being No. MA-91 of 2018 is also dismissed.</p> <p style="text-align: center;">(S.K.DAS) MEMBER(A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	