

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – MA-195 of 2018(OA-243 of 2018).**Kamal Kant Jha. Vs The State of West Bengal & Others.**

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;">06</p> <p>-----</p> <p>01-02-2019</p>	<p>For the Applicant : Mr. A. K. Roy, Mr. S. Ghosh, Advocates.</p> <p>For the State Respondents : Mr. M. N. Roy, Advocate.</p> <p>The instant MA and OA have come being assignment of the Hon'ble Chairman on the ground of determination as observed by the 2<sup>nd</sup> Bench. The instant MA has been filed basically challenging the termination order dated 21-11-2018. As per the applicant since he has filed one OA No. 243 of 2018 praying for enhancement of his remuneration as applicable as a contractual employee as per G.O. No. 9008-F dated 16-09-2011 and the subsequent government orders. However after completion of pleadings, they have issued a termination letter and according to the applicant, the respondent authority act in revenge to terminate him. Therefore he has filed the instant MA praying for interim protection.</p> <p>However the Counsel for the respondent has raised objection with regard to the maintainability of the MA as the termination order, if any, has no nexus with the original application filed for enhancement of</p>	

**ORDER SHEET**

Kamal KantaJha.

Form No. ....

**Vs.****The State of West Bengal & Others.**Case No. **MA-195 of 2018(OA-243 of 2018).**

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
Mihir	<p>remuneration. After perusal of the termination order, it would be evident that he has been terminated due to some criminal activities as alleged in the termination order. Therefore there is no relation with the subject matter of the OA and the present MA. Thus he has prayed for rejection of the MA.</p> <p>However during the course of the hearing, the Counsel for the applicant has fairly submitted that if according to the Counsel for the respondent, the termination has no bearing with the instant OA, he may be permitted to draw the instant MA with a liberty to challenge the same, if he is aggrieved, he could have filed fresh OA challenging the termination order.</p> <p>Heard the parties and perused the records. In view of the above submission of the applicant, the MA is dismissed as withdrawn with liberty to the applicant to file fresh OA, if so advise. Since the original OA is related to enhancement of pay for which we do not have the determination. Therefore we are releasing the matter from the list of this bench with a liberty to the applicant to mention before the appropriate bench upon notice to the other side.</p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	

**ORDER SHEET**

**Kamal KantaJha.**

Form No. ....

**Vs.**

**The State of West Bengal & Others.**

Case No. MA-195 of 2018(OA-243 of 2018).

Serial No. and Date of order. 1	Order of the Tribunalwith signature 2	Office action with date and dated signature of parties when necessary 3