

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 1335 of 2014**

Sk Enait Ali

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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08/07/2019

For the Applicant : Mr. G. Halder,
Ld. Advocate.

For the State Respondent : Mrs. S. Agarwal,
Mr. S.N. Roy
Ld. Advocates.

Vakalatnama filed on behalf of the applicant today is kept on record.

The applicant has prayed for direction upon the respondents for payment of arrears of salary during the period from May 13, 2004 to February 01, 2010.

The applicant was working as Wireless Operator in the establishment of Superintendent of Police, Howrah. A disciplinary proceeding was started against the applicant for drawing House Rent Allowances inspite of residing in government accommodation along with his wife who was Staff Nurse at ESI Hospital, Uluberia, Howrah. The applicant was demoted from the post of Wireless Operator to the post of Constable by imposition of punishment in the disciplinary proceeding. He did not join the post of Constable on May 13, 2005 after imposition of punishment by the disciplinary

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	<p>authority. The applicant challenged the order of imposition of punishment by the disciplinary authority by filing OA-822 of 2004 before this Tribunal. During pendency of the said proceeding before the Tribunal another disciplinary proceeding was started against the applicant for not joining the post of Constable and punishment of dismissal from service was imposed on November 30, 2005. However, by order of the Tribunal in OA-822 of 2004, the applicant was reinstated in service on January 31, 2010. He duly retired from service on September 30, 2016. The grievance of the applicant is that he was not granted salary during the period from May 13, 2004 to January 31, 2010.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the Superintendent of Police, Howrah has specifically mentioned in the order of reinstatement of the applicant in service on January 31, 2010 that the period from the date of his dismissal from service on November 30, 2005 to the date of his reinstatement in service on January 31, 2010 will be treated as Extra-ordinary Leave without pay. On consideration of the said order of reinstatement dated January 31, 2010, we find that</p>	

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Csm	<p>the disciplinary authority has duly taken into consideration the fact of absence of the applicant from service during the period from November 30, 2005 to January 31, 2010 and treated the said period of absence as Extra-ordinary Leave in terms of Rule 72A of West Bengal Services Part I. In view of our above findings, we do not find any merit in the submission made on behalf of the applicant that the applicant is entitled to get arrears of salary during period of his absence from November 30, 2005 to January 31, 2010. Nor is the applicant entitled to get arrears of salary from May 13, 2004 to February 01, 2010.</p> <p>As a result, the original application is dismissed.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	