

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 – OA- 342 of 2019.****Sri Bhairab Chandra Mondal. 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>08</p> <hr/> <p>21/11/2019</p>	<p>For the Applicant : Mr. Narayan Ch. Mondal, Ld. Advocate.</p> <p>For the State Respondents : Mr. A.L. Basu, Mr. B.P. Roy, Ld. Advocates.</p> <p><i>The instant application has been filed basically praying for direction upon the concerned respondents to release 266 days leave salary along with interest by quashing the impugned order dated 28.09.18. As per the applicant, he was initially appointed as Instructor in Science and Mathematic at Bipradas Pal Chowdhury Industrial Training Centre on 16.03.1995, which is a non-government organisation. Subsequently, the said institution was undertaken by the State Government in terms of G.O.No.57-TET(Trg)/4E(ITC)-37/2006 dated 22.02.2013 w.e.f. 01.08.12. Thereafter, the applicant was absorbed in the said institute undertaking from 01.08.12 and retired on 31.03.2018. According to the applicant, he has not been granted leave salary during his service period in non-government institution. Being aggrieved with he has filed one application before the Hon'ble High Court and the Hon'ble High Court vide his order</i></p>	

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	<p><i>dated 25.07.18 had directed the applicant to make representation before the authority. In pursuance to the said judgment, the respondent had considered the case of the applicant and rejected his claim on the ground that the period rendered as non-government employee cannot be accumulated for their leave purpose. Therefore, he is not entitled any relief for that period. Being aggrieved with, he has approached this Tribunal.</i></p> <p><i>Though the respondents have not filed any reply. However, the counsel for the respondent has vehemently relied upon on the reasoned order dated 28.09.2018 and has submitted that as per government rules the applicant has become entitled for leave salary for the period he rendered after being absorbed i.e. government institution and for the rest period prior to his absorption cannot be treated for the purpose of granting of leave salary. Therefore, he has submitted that the respondents have rightly rejected the claim of the applicant.</i></p> <p><i>We have heard both the parties and perused the records. It is an admitted fact that the applicant got absorption in the government institution from 01.08.12 as and when the said institution was taken up by the Government which was earlier non-government institution. As per G.O. dated 30.01.94,</i></p>	

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GM	<p><i>staff of erstwhile ITC were not allowed to get any other benefit except the accumulation of concerned leave in the same manner. As the applicant had rendered service over the period 01.08.12 to 31.03.18 and had accumulated 74 days were leave only. Therefore, the applicant was granted leave encashment for the said period. However, as the past service of the applicant rendered in a private organisation cannot be treated as government service. Therefore, mere consideration of absorption does not also entitled him to get the benefit of leave salary for the period when he rendered his service to private organisation. Accordingly, we do not find any reason to interfere with the decision of the respondents. The OA is dismissed being devoid of merit.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	