

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

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das

Case No – OA 1100 of 2013.

Anindita Nag. – Vs- The State of West Bengal & Ors.

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>13 19.03.2018.</p>	<p>For the Applicant : Mr. M. Karim, Learned Advocate.</p> <p>For the State Respondents : Mr. R. A. Chowdhury, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to transfer her from the present assignment to the office either at Salt Lake or Barasat or Baruipur or Alipore on cancellation of reasoned order dated August 02, 2013 passed by the Respondent No. 3.</p> <p>It appears from the materials on record that the applicant joined as Geo-Hydrological Assistant at Burdwan on transfer after availing of maternity leave on April 19, 2012. The applicant applied for Child Care Leave ( in short CCL) on April 20, 2012 which was extended from time to time till October 05, 2012. The applicant availed of Earned Leave from November 26, 2012 to November 30, 2012 and Commuted Leave from December 10, 2012 to December 21, 2012 . The applicant also prayed for CCL from January 22, 2013 to September 27, 2013 and was also absent from duty without praying for any kind of leave for about 22 days in the year 2012 and in the year 2013. The prayer of the applicant for</p>	

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	<p>grant of CCL was rejected and the same was communicated to the applicant by letter dated July 02, 2012 and letter dated January 29, 2013 . On our query Learned Counsel representing the applicant submits that the applicant went to join her present assignment on April 17, 2017 but she was not permitted to join her post in Burdwan. On rough calculation of the period of absence of the applicant from duty and the period for which leave was rejected by the authority concerned, we are not in a position to assess whether the applicant was absent from duty for the period exceeding five years. It is relevant to point out that leave is not a matter of right as laid down in Rule 153 West Bengal Service Rule, Part –I and we are not inclined to interfere in the discretion exercised by the leave sanctioning authority in rejecting the prayer of the applicant for grant of leave .</p> <p>However, on consideration of the important post held by the applicant and on consideration of the long period of unauthorised absence of the applicant from duty, we are inclined to give the applicant an opportunity to submit a representation before the Respondent No. 2 , Director, Directorate of Water Resources Investigation and Development,. Government</p>	

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Skg.	<p>of West Bengal within a period of four weeks from this date. If such representation is submitted by the applicant within the stipulated period of time, the respondent No. 02 will consider the representation of the applicant in accordance with law after giving the applicant an opportunity of hearing within a period of eight weeks from the date of submission of the representation by the applicant and communicate the result of the same to the applicant within a period of two weeks thereafter.</p> <p>With the above direction, the Original Application stands disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member(J).</p>	

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