

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

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

Case No – OA 1161 of 2017.

Mansur Hari – 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>01 27.04.2018.</p>	<p>For the Applicant : Mr. S. N. Roy, Ld. Adv.</p> <p>For the State Respondent : None.</p> <p>For the A.G.(A&E)WB : Mr. B. Mitra, Departmental Representative.</p> <p>Liberty is given to the Advocate on record for the applicant to amend the cause title of the Original Application for substitution of designation of "Secretary" by "Principal Secretary" in course of this day.</p> <p>The applicant retired from service on January 31, 2009 from the post of sweeper. The contention of the applicant is that he was absent from duty from May 26, 1997 to June 29, 2005 due to illness and his absence for the aforesaid period has not been regularised by grant of leave and as such pension and other retirement benefits are withheld. The applicant previously approached this Tribunal by filing OA 536 of 2014. On July 02, 2015 this Tribunal disposed of OA 536 of 2014 by giving direction to the Respondent No. 2 to regularise absence of the applicant in terms of Rule 34(1) of WBSR Part –I as requested by Senior Accounts Officer, A.G.WB within</p>	

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	<p>stipulated period of time, but the same has not been done. It appears from letter dated June 22, 2009 issued by Senior Accounts Officer of A.G.(A&E) WB that absence of the applicant for the period from May 26, 1997 to June 29, 2005 can be regularised by the department with the sanction of the Governor in terms of Rule 34(1) of WBSR Part-I, but the same has not been done in the present case till date.</p> <p>Having heard Ld. Counsel representing both parties and on consideration of the facts of the present case, we direct the Respondent No. 1, Principal Secretary, Department of Animal Resources Development , Government of West Bengal to consider the claim of the applicant for regularisation of his absence from duty on the ground of illness for the period from May 26, 1997 to June 29, 2005 in accordance with the provision of Rule 34(1) of WBSR Part-I and to take subsequent follow up action for sanction of pension and other retirement benefits of the applicant within a period of sixteen weeks from the date of communication of the order. The Respondent No. 3, Deputy Director , Directorate of Animal Resources Development, Government of West Bengal is directed to forward all necessary papers in</p>	

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Skg.	<p>connection with the claim of the applicant for regularisation of absence by grant of leave to the Respondent No. 1 within a period of one week from the date of communication of the order.</p> <p>The applicant is directed to serve copy of this order along with copy of the Original Application and all connected documents on Respondent No. 1 and Respondent No. 3 within a period of one week from the date of this order.</p> <p>With the above direction the Original Application is 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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