

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 1193 of 2014**

Arabinda Gupta

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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19/09/2018

For the Applicant : *Mr. K.K. Bera,*
Ld. Advocate.

For the State Respondent : *N O N E.*

The applicant has prayed for direction upon the respondents for giving financial benefit to the applicant by release of salary for the period from February 01, 2013 to December 08, 2013.

The applicant was appointed as Block Accounts Manager in Saltora Block Primary Health Centre on purely contractual basis at monthly remuneration of Rs. 8,000/- on some conditions enumerated in the letter dated November 04, 2006 issued by the respondent no. 5. The contention of the applicant is that he was absent from duty from February 25, 2013 to August 25, 2013 on medical ground. The further contention of the applicant is that he was not allowed to resume duty after recovery from illness till December 09, 2013. Learned Counsel for the applicant submits that the applicant submitted application for grant of leave, but the said application has not been considered by the authority concerned.

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	<p><i>On our enquiry, Learned Counsel for the applicant submits that the applicant is still working in the same post on contractual basis, but the salary of the applicant is withheld for the period from February 01, 2013 to December 08, 2013.</i></p> <p><i>None appears on behalf of the state respondents on call.</i></p> <p><i>On consideration of the materials on record, it appears that the applicant was appointed as Block Accounts Manager on purely contractual basis at fixed monthly remuneration of Rs. 8,000/-. It further appears from the record that the applicant did not perform his duty during the period from February 25, 2013 to December 09, 2013. The salary which is withheld cannot be disbursed without deciding entitlement of the applicant to get leave during the period of his absence from duty. Under the above circumstances, the respondent no. 4, the Chief Medical Officer of Health, Bankura is directed to consider the entitlement of the applicant for grant of leave during the period of his absence from duty in terms of the provisions of West Bengal Service Rules, Part I in general and Rule 213 of West Bengal Service Rules, Part I in particular by passing a reasoned</i></p>	

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	<p><i>order and take necessary follow up action for disbursement of remuneration to which the applicant is entitled within a period of 12 weeks from the date of communication of the order. With the above direction the original application stands disposed of.</i></p> <p><i>The applicant is directed to serve copy of this order and copy of original application along with annexures on the respondent no. 4 by speed post within a period of two weeks from this date. Let a Plain Copy of this order be supplied to the applicant on urgent basis free of cost.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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