

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Mrs. Urmita Datta (Sen)
&
The Hon'ble Dr. A. K. Chanda

Case No. **OA – 184 of 2018**

Smt. Archana Chattopadhyay

Versus

The State of West Bengal & Others.

Serial No. and
date of order

Order of the Tribunal
with signature

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

1

2

3

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21/03/2018

For the Applicant : *Mr. Gourav Halder,
Mr. Sourav Halder,
Advocates.*

For the State Respondents : *Mr. Sankha Ghosh,
Advocate.*

For the Principal Accountant General (A&E), West Bengal : *Mr. Biswanath Mitra,
Departmental Representative.*

The instant application has been filed challenging the communication dated 09.01.2018 made by the Sr. Accounts Officer/Pen.II, Office of the Principal Accountant General (A&E), West Bengal, Indian Audit & Accounts Department to the Medical Superintendent – cum – Vice Principal, Medical College & Hospital, Kolkata whereby a clarifications / documents / compliance of the observations made in the said letter with a copy to the applicant was called for.

According to the applicant, she was only communicated with the contents of the letter dated 09.01.2018, after her retirement on 30.01.2018, but, without any opportunity to be heard before such decision of fixation / re-fixation of such alleged wrong fixation of pay.

However, Counsel for the respondents has

ORDER SHEET – (Continuation)

Form No.

Smt. Archana Chattopadhyay
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 184 of 2018**

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><i>raised preliminary objection of maintainability of the OA on the ground of being premature.</i></p> <p><i>As per Counsel for the respondents, from the perusal of the letter dated 09.01.2018, it would be evident that clarification was called for on the observation made by the Sr. Accounts Officer/Pen.II, Office of the Principal Accountant General (A&E), West Bengal, but, till date no final decision has been taken up. Since, no final decision has been taken up, therefore, the application is premature as no deduction has been ordered till date.</i></p> <p><i>However, the Counsel for the respondents has further submitted that they are ready to issue show cause notice to the applicant given the details of such refixation after granting the applicant an opportunity to make representation / reply to the show cause notice and thereafter, they would take a final decision in this regard.</i></p> <p><i>The Counsel for the applicant has no objection if an opportunity will be granted to her by issuance of any show cause notice in this respect.</i></p> <p><i>In view of the above, the OA is disposed of being premature with liberty to the respondents to issue a show cause to the applicant for such</i></p>	

ORDER SHEET – (Continuation)

Form No.

Smt. Archana Chattopadhyay
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 184 of 2018**

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
<i>Rajat</i>	<p><i>alleged wrong fixation of pay and by granting an opportunity to the applicant to represent / reply to the said show cause and to take a final decision within a period of the eight weeks from the date of receipt of this order.</i></p> <p><i>No order as to costs.</i></p> <p>Dr. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Smt. Archana Chattopadhyay
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Vs

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.....Case No. **OA – 184 of 2018**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3