

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-274 of 2018.****Lakshikanta Mahato. 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>04</p> <hr/> <p>27/09/2018</p>	<p>For the Applicant : Mr. Rabendra Nath Bag, Advocate.</p> <p>For the State Respondents: Mr. Manujendra Narayan Roy, Mr. Arindram Mitra, Advocates.</p> <p><i>The instant application has been praying for following relief;</i></p> <p>a) <i>Direction be issued directing the Managing Director, West Bengal Forest Development Corporation Limited to withdraw/cancel/revoke the impugned order of suspension dated 6.06.2014 annexure A 10 to the application mentioned above.</i></p> <p>b) <i>Direction be issued directing the respondents to grant the applicant revised subsistence allowance since 5.09.2014 till the day of revocation of impugned order of suspension and to permit the applicant to be retired on superannuation and to grant leave to the applicant to prefer appeal, statutory or otherwise if the order passed in the</i></p>	

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	<p><i>departmental proceedings goes against the applicant.</i></p> <p><i>c) Cost or costs be paid by the respondents. Any other or further order or orders and/or direction or directions be issued as to this learned tribunal may deem fit and proper.”</i></p> <p><i>According to the applicant, he was put under suspension vide order dated 6.6.14 by the West Bengal Forest Development Corporation Limited as the applicant is the permanent employee of the Department of Forest, West Bengal. In the meantime, he retired on 31st May 2018 and his order of suspension was revoked on 15th May 2018. Let the order be kept on record. Therefore, prayer (a) of the instant application has become infructuous. However, as per the applicant his suspension order was neither reviewed nor subsistence allowance has been enhanced and paid to him till date. Therefore, he has prayed for a direction to the authority to pay him enhanced subsistence allowance.</i></p> <p><i>The counsel for the respondent, however, has admitted that the suspension order has already been revoked as claimed by the counsel for the applicant. According to him since he has retired</i></p>	

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	<p><i>there is no scope of enhancement to the subsistence allowance.</i></p> <p><i>Heard the parties and perused the records. As the suspension has already been revoked by the order dated 15.05.2018 therefore, prayer (a) has become infructuous. However, with regard to the review of the suspension order as well as payment of revised subsistence allowance, it is noted that the applicant was suspended on 06.06.2014 under Rule 7(1)(a) and 12(1) of the West Bengal Services (CCA) Rules 1971. As per Rules 7(1) of the W.B.S.R.(CCA) Rules 1971, he was put under suspension in contemplation of disciplinary proceeding for which the authority is to review the suspension order within 90 days from the date of suspension as per Rule 71(4) iii of the WBSR. However, in the instant case as per the claim of the applicant no such review had been done by the authority with regard to his suspension. Even no revised subsistence allowance were paid to the applicant. In view of the above, we direct the respondent No.2 to revisit the revision of the subsistence allowance as the applicant has already retired from services after revocation of his suspension on 15.05.2018 and to take decision and make payment thereof by way of passing a reasoned and speaking order within a period of four</i></p>	

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GM	<p><i>(04) months.</i></p> <p><i>In view of above, the OA is disposed of with the above observation and direction with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER(A) URMITA DATTA (SEN) MEMBER(J)</p>	