

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-312 of 2015**

Amiya Kumar Roy

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.

1

2

3

14
09/01/2019

For the Applicant : *The applicant A.K. Roy appears in person.*

For the State Respondent : *Mr. D. Koley,
Ld. Advocate.*

The applicant has prayed for direction upon the respondents for granting balance amount of Leave Encashment after taking into consideration the entire period of service from September 11, 1978 to July 26, 2011.

It appears from the materials on record that the applicant joined in the service as Librarian on September 11, 1978 and was due to retire on June 30, 2011, but the applicant had to perform duty till July 26, 2011 for not receiving the order of release on Superannuation. The contention of the applicant is that he received Leave Encashment in 2 (two) installments for 169 days, though he is entitled to get Leave Encashment for remaining 131 days. The applicant appearing in person submits that the service rendered by the applicant from September 11, 1978 till the year 1991 and the service rendered by the applicant during the period from 2009 to 2011 have not been taken into consideration for grant of Earned Leave to the applicant. He further submits that he has been deprived of 87 days of Earned Leave for performance of

ORDER SHEET – (Continuation)

Form No.

Amiya Kumar Roy
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-312 of 2015**

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>duty during the vacation as Librarian for the period from 2007 to 2009. The gist of submission of the applicant is that he is entitled to get Leave Encashment for 300 days of Earned Leave which was to the credit of the applicant on the date of retirement.</i></p> <p><i>Learned Counsel representing the state respondents is not able to explain to our satisfaction why the applicant has been deprived of Leave Encashment for the balance period of 131 days. The report submitted by the respondent no. 4 indicates that the said respondent has not furnished the calculation for giving credit of Earned Leave to the applicant from the date of joining in the service till the date of retirement and the period of Earned Leave enjoyed by the applicant during the entire period of service. On close scrutiny of the documents annexed to the report submitted by the respondent no. 4, we find that Earned Leave to the credit of the applicant during the period from September 11, 1978 till the year 1991 and Earned Leave to the credit of the applicant during the period from 2009 to 2011 are missing from the statement furnished by the respondent no. 4. Moreover, the grievance of the applicant for not giving credit of 87 days of Earned Leave for performance of duty as Librarian during vacation during the period from 2007 to 2009 have not been considered before finalisation of Earned Leave to the credit of the applicant. In view of our above findings, we are unable to accept that only 169 days of Earned</i></p>	

ORDER SHEET – (Continuation)

Form No.

Amiya Kumar Roy
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-312 of 2015**

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>Leave were to the credit of the applicant on the date of retirement.</i></p> <p><i>The applicant has also failed to produce any document before the Bench for coming to the conclusion that 300 days of Earned Leave were to the credit of the applicant on the date of retirement. In the absence of furnishing documents by the respondent no. 4 in connection with calculation of Earned Leave to the credit of the applicant during the period from September 1978 to 1991 and from 2009 to 2011 and calculation of Earned Leave for performance of duty during vacation from 2007 to 2009, we would like to hold that respondent no. 4 is duty bound to take into consideration the Earned Leave which the applicant was entitled to get during the aforesaid period of time and take necessary follow up action for grant of Leave Encashment in favour of the applicant within specific period of time.</i></p> <p><i>The observation made by us herein above leads us to give direction to the respondent no. 4, Director of Technical Education and Training, Government of West Bengal to consider the entitlement of the applicant to get Leave Encashment in accordance with rules and in the light of the observation made by us hereinabove by passing a reasoned order within a period of 8 (eight) weeks from the date of communication of the order and take necessary follow up action after giving an intimation</i></p>	

ORDER SHEET – (Continuation)

Form No.

Amiya Kumar Roy
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-312 of 2015**

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>to the applicant in this regard within a period of 4 (four) weeks thereafter. With the above direction, the original application stands disposed of.</i></p> <p><i>Let a Plain Copy of the order be supplied to both parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Amiya Kumar Roy
.....

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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

ORDER SHEET – (Continuation)

Form No.

Amiya Kumar Roy
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The State of West Bengal & Others.
.....Case No. ***OA-312 of 2015***

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