

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 397 OF 2019

Dr. Ashok Kumar Sikdar 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 style="text-align: center;">04 <hr/>02.08.2019</p>	<p><i>For the Applicant : Mrs. S. Mitra, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Mr. R.K. Mondal, Learned Advocates.</i></p> <p><i>Liberty is given to the applicant to amend the prayer of the original application for incorporation of the specific period for which salary was not paid to the applicant.</i></p> <p><i>The applicant has prayed for direction upon the respondents for payment of arrears of salary during the period from the month of February 2015 to May 2015 and from July 2015 to November 2015.</i></p> <p><i>The applicant has been working as Medical Officer (Radiologist) in the Sub-Divisional Hospital at Dinhata in the District of Cooch Behar. By order dated September 05, 2015, the Chief Medical Officer of Health, Cooch Behar directed the applicant to perform duty as Medical Officer (Radiologist) in the Sub-Divisional Hospital at Mathabhanga, Cooch Behar on the three days in a week (Tuesday, Thursday and Saturday) and to perform the duty of Medical Officer (Radiologist) at Sub-Divisional</i></p>	

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Hospital, Dinhata, Cooch Behar on the remaining days of the week. The applicant was not paid salary from the month of February 2015 to May 2015 and July 2015 to November 2015 on the ground of not submitting working statement from the Superintendent of the Sub-Divisional Hospital at Mathabhanga for the aforesaid period of time in terms of the order passed by the Chief Medical Officer of Health, Cooch Behar.

Having heard Learned Counsel for the applicant and Learned Counsel for the State respondents and on consideration of the materials on record, we are of the view that the respondent no. 3, Chief Medical Officer of Health, Cooch Behar should take a decision on verification of records whether the applicant performed the duty both in the Sub-Divisional Hospital at Dinhata and Sub-Divisional Hospital at Mathabhanga during the period from February 2015 to May 2015 and July 2015 to November 2015. If the applicant was absent from duty, the respondent no. 3 is at liberty to take necessary action against the applicant in accordance with law after giving the applicant an opportunity of hearing. On the other hand, if the applicant performed the duty during the aforesaid period of time in both the places, the respondent no. 3 should take necessary steps for payment of salary of the applicant during the aforesaid period of time. It is

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pertinent to point out that the applicant submitted one representation before the respondent no. 3 and on December 15, 2015 on September 29, 2015 praying for payment of the salary to the applicant for the aforesaid period of time, but no action has been taken in this regard by the respondent no. 3 till date.

In view of our above observation, the respondent no. 3, Chief Medical Officer of Health, Cooch Behar is directed to take a decision on the basis of the representation submitted by the applicant on September 28, 2015 and on December 15, 2015 regarding payment of salary to the applicant during the period from February 2015 to May 2015 and July 2015 to November 2015 within a period of 12 weeks from the date of communication of the order after giving the applicant an opportunity of hearing and take necessary follow up action within a period of 4 weeks thereafter.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to both parties.

H.S

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)