

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 488 OF 2014

Dr. Somali Roy (Marik) 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;">17</p> <hr/> <p>06.09.2018</p>	<p><i>For the Applicant : Mrs. S. Mitra, Learned Advocate.</i></p> <p><i>For the Respondents : Mr. B.P.. Roy, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to release outstanding salary of the applicant for the period from November 01, 2011 to February 28, 2014.</i></p> <p style="text-align: center;"><i>The contention of the applicant is that she did not get salary for the period from November 01, 2011 to January 31, 2014. The further contention of the applicant is that she joined on duty at Purba Medinipur District Hospital, Tamruk on February 01, 2014 and subsequently transferred to Lady Duffrin Hospital in Kolkata. It is also contented by the applicant that she submitted application for grant of leave of different kinds on various dates, but the leave has not been granted by the authority concerned till date.</i></p> <p style="text-align: center;"><i>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant submitted application for grant of various kinds of leave from September 20, 2011 to</i></p>	

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<p><i>January 28, 2014. It is not clear to us whether the applicant was absent from duty during the period from September 01, 2011 to January 31, 2014 or from November 01, 2011 to January 31, 2014. We cannot direct the concerned respondent for disbursement of the salary of the applicant without regularisation of absence of the applicant by grant of leave. Nothing is on record to indicate the number of days of various kinds of leave to the credit of the applicant. Under such circumstances, the applicant is given liberty to submit a representation before respondent no. 1, Additional Chief Secretary to the Government of West Bengal, Department of Health and Family Welfare praying for various kinds of leave to the credit of the applicant and by enclosing necessary documents for consideration of prayer for grant of leave to the applicant within a period of four weeks from this date. If such representation is submitted by the applicant within the specific period of time, the said respondent no. 1 will consider the representation in accordance with law by granting Earned Leave, Commuted Leave to the credit of the applicant and Extra Ordinary Leave, if necessary, for regularisation of absence of the applicant in service within a period of twelve weeks from the date of submission of the representation and communicate the result of the same to the applicant within a period of two weeks thereafter.</i></p>	
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With the above direction, the original application is disposed of.

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

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S