

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 555 OF 2019**

Panchanan Mallick. 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
03 06.01.2020	<p>For the Applicant : Mr. S. Ghosh, Learned Advocate.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for payment of arrears of salary and other consequential benefits on resuming duty after quashing of the order of his suspension.</p> <p>The applicant while working as Assistant Commissioner of Revenue under Commissioner of Commercial Taxes, West Bengal was suspended and the said order of suspension was quashed by the Hon'ble High Court at Calcutta on July 16, 2018 in WPST 12 of 2017 by way of upholding the order passed by the Tribunal in OA 41 of 2016. Subsequently, the applicant resumed duty on August 13, 2018 and had drawn regular salary till the month of November 2015. By order dated September 12, 2019 issued in the name of the Governor by the Deputy Secretary to the Government of West Bengal, Finance (Revenue) Department, the period of absence of the applicant from July 3, 2015 to August 12, 2018 was treated as on duty. The natural corollary is that the applicant is entitled to get salary for the period from July 3, 2015 to August 12, 2018 after</p>	

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adjustment of subsistence allowance, if any drawn by the applicant during the aforesaid period of time. The contention of the applicant is that he has not received any salary during the period from July 3, 2015 to August 12, 2018, though he is entitled to draw the salary for the said period which was treated as on duty.

Under the above circumstances, we direct the respondent no. 3, the Commissioner of Commercial Taxes, Government of West Bengal to release the arrears of salary of the applicant as per his entitlement during the period from July 3, 2015 to August 12, 2018 after adjustment of subsistence allowance, if any drawn by the applicant and also salary, if any drawn by the applicant during the aforesaid period of time within a period of 12 (twelve) weeks from the date of communication of the order. The original application is, thus, **disposed of**.

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

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

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

Sanjib