

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 635 of 2018.

DEBABRATA CHOWDHURY – 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>3</p> <hr/> <p>12.10.2018.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mir Anowar.</p> <p>For the State Respondent : None.</p> <p>In this application, the applicant, a Correspondence Clerk (UD) in the office of the Block Development, Bhatar, Purba Burdwan, has prayed for a direction upon the respondents either to allow him to resume his duty and for payment of monthly salary or suspension allowance in the event the petitioner is deemed to have been suspended. It appears from the application that the applicant has been implicated in a criminal case, being Bhatar P.S. Case No. 34/2014 under section 409 of the IPC wherein anticipatory bail was granted by the High Court on 13th August, 2014 in C.R.M. 4039 of 2014. It is pertinent to mention that in the criminal case charge sheet has been submitted and the matter is now pending before the Special Judge, 1st Court, East Burdwan and the petitioner is facing trial.</p> <p>It appears from the statements made in the application that the respondent authorities are not allowing the applicant to resume his duty nor any suspension order has been issued. As a result the</p>	

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	<p>petitioner is neither getting salary nor any suspension allowance. It is submitted that though a representation dated 12th December, 2017 was furnished before the Block Development Officer, Bhatar, Purba Burdwan – the respondent no. 3 , it has not been considered. Aggrieved this application has been filed.</p> <p>It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that after filing this application the respondent no. 2 has issued a memorandum dated 19th September, 2018 proposing to take action under Rule 8, Sub Rule (iii) of the West Bengal Services (Classification, Control and Appeal) Rules, 1971 and the petitioner has been directed to submit a representation.</p> <p>Heard Mr. G.P. Banerjee.</p> <p>In this application the applicant has prayed for the some reliefs, the relevant portion of which are as under :-</p> <p>(b) <i>“.....To pass an order directing the concern respondent authorities, particularly the Respondent No. 3 herein to resume his duty at the said office and further to pay the monthly salary or suspension allowances in the event the petitioner deemed to have been suspended.</i></p>	

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Skg.	<p><i>(c) To pass an order directing the concern respondent authorities, particularly the Respondent No.3 herein to consider and early disposal of the representation dated 12.12.2017 which was submitted by the petitioner in accordance with law upon considering all materials placed in support thereof by the petitioner and giving opportunity of hearing to the applicant and pass a reasoned order within a specific period....."</i></p> <p>Having heard Mr. G.P. Banerjee, learned advocate for the applicant, this application is disposed of by directing the District Magistrate, Purba Burdwan the respondent no. 2, to decide and dispose of the matter whether the petitioner should be allowed to resume his duty or be suspended since criminal proceedings are pending by passing a reasoned order to be communicated to the parties within four weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after verifying the records.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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