

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble Dr. Subesh Kumar Das, Member (A).

OA-668 of 2019

Tapaty Pramanik                      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 <hr/> 01.10.2020	<p>For the petitioner                      :                      None.</p> <p>For the respondent                                           None.</p> <p style="text-align: center;">The matter was heard on 05.03.2020 by the Bench comprising of Mrs. Urmita Datta (Sen), Member (J) and Mr. P. Ramesh Kumar, Member (A) in the open Court by dictating order. Though the order was signed by the Member (J), however, as in the meantime, Mr. P. Ramesh Kumar has resigned from service and the pandemic situation had started therefore, the said order could not be signed by the Administrative Member. Since the matter was dictated in open Court, this Bench now pass the same order in presence of both the parties. The same order is quoted below :-</p> <p style="text-align: center;">“The instant application has been filed praying for following relief :-</p> <p style="text-align: center;">a) Direction upon the respondents to show cause as to why the Memorandum (so far the arrear for the period 01.01.2015 to 17.04.2018 is concerned) issued by the District Magistrate and Collectorate, Birbhum, being Respondent No. 2 herein,</p>	

**ORDER SHEET**

Form No.

Tapaty Pramanik

**Vs.**The State of West Bengal & Ors... .

Case No. OA-668 of 2019

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;">03 01.10.2020</p> <p>Page /2</p>	<p>under Memo No. 445 (6) Estt. Dated, Suri, the 17.04.2018 being Annexure "B" should not be quashed and/or set aside and the arrear from the period 01.01.2015 to 17.04.2018 granted to the applicant.</p> <p>b) Direction upon the respondent authorities to produce or cause to be produced all records pertaining to the instant case so that after perusal of the same conscionable justice may be done by the Hon'ble Tribunal.</p> <p>c) And/or pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper;</p> <p>The counsel for the applicant has also filed one MA application whereby he has prayed for quashing of the order dated 17.04.2018 to the extent of proposal for non payment of arrear from period from 101.01.2015. As per the applicant, since she</p>	

**ORDER SHEET**

Form No.

Tapaty Pramanik

**Vs.**The State of West Bengal & Ors... .

Case No. OA-668 of 2019

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;">03 01.10.20</p> <p style="text-align: left;">Page /3</p>	<p>was promoted vide order dated 17.04.2018 w.e.f. from 01.01.2015, she is entitled to get arrears of wages.</p> <p>However, the counsel for the respondent has submitted that the applicant was initially appointed to the post of L.D.C. on compassionate ground due to death of her husband subject to look after the mother of the deceased employee, after giving an undertaking by affidavit. However, she was reluctant to provide maintenance of the mother of the deceased employee and obviously the mother in law of the applicant made a complaint before the authority for the said and subsequently a show cause notice was issued against the applicant. However, ultimately she made arrangements for maintenance to the mother of the deceased employee and prayed for unconditional apology. Subsequently she was imposed with a punishment of "Censor" vide order dated 12.07.2017. However, the D.M. &amp; Collector, Birbhum vide his order dated 17.04.2018 promoted her to the post of U.D.C. retrospectively w.e.f. 01.01.2015, as there is a</p>	

**ORDER SHEET**

Form No.

Tapaty Pramanik

**Vs.**The State of West Bengal & Ors... .

Case No. OA-668 of 2019

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;">03</p> <hr/> <p>01.10.20</p> <p>Page/4</p>	<p>disciplinary proceeding pending against her. However, in the said order of no arrear granted to her, as she did not worked from 01.01.2015 till date of promotion. Therefore, the counsel for the respondent has submitted that the respondent authority had rightly did not granted arrear with retrospective effect.</p> <p style="text-align: center;">Heard the parties and perused the records. In the aforesaid background, it is noted that D.M. &amp; Collector, Birbhum vide order dated 17.04.2018 had passed the following order :</p> <p style="text-align: center;"><i>“Smt. Tapati Pramanik, Lower Division Clerk attached to SDO office Rampurhat under Birbhum Collectorate is hereby provisionally appointed to the post of Upper Division Clerk on promotion against the sanctioned post of vacancy 49 (UR) in the scale of Rs. 4000-8850/- scale no. 9 (unrevised) corresponding to the revised scale of pay of Rs. 7100-37600/- in P.B. 3 with Grade Pay Rs. Rs. 3600/- plus other allowances as admissible as per existing rules under WBS ROPA (Rules) 2009 with the effect from 01.01.2015.</i></p>	

**ORDER SHEET**

Form No.

Tapaty Pramanik

**Vs.**The State of West Bengal & Ors... .

Case No. OA-668 of 2019

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;">03 01.10.2020</p> <p style="text-align: left;">sc</p>	<p style="text-align: center;"><i>No arrear shall be admissible to Smt. Pramanik for the period 01.01.2015 to till date of order.</i></p> <p style="text-align: center;"><i>This order is issued in the interest of the public service.”</i></p> <p>From the perusal of the order, it is noted that there was a disciplinary proceeding against the applicant. However, the applicant was granted promotion with retrospective effect from 01.01.2015 since he did not perform his duty as UDC during that period till the date of passing of the promotion order dated 17.04.2018. In our considered opinion, respondent authority has rightly applied the no work no pay principle for the said period. Therefore, we do not find any reason to interfere with the order of D.M. &amp; Collector, Birbhum. Accordingly, both MA &amp; OA are dismissed being devoid of merit.”</p> <p style="text-align: center;"><b>SUBESH KUMAR DAS MEMBER (A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN) MEMBER (J)</b></p>	



