

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 697 of 2015**

Abani Pada Sarkar

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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27/03/2019

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.

For the State Respondent : Mr. D. Koley,
Ld. Advocate.

The applicant has prayed for direction upon the respondents to pay interest @ 18% per annum on the ground of delayed payment of arrears of salary to the tune of Rs. 4,39,146/-.

The contention of the applicant is that the applicant was absent from duty during the period from July 05, 1982 to December 21, 1990. The further contention of the applicant is that he resumed duty on December 22, 1990 but the absence of the applicant was not regularised for prolonged period of time. Mrs. Mitra, Learned Counsel for the applicant contends that the applicant resumed duty on December 22, 1990 on the basis of direction given by the Hon'ble High Court, but the order of the Hon'ble High Court has not been produced before us to ascertain the circumstances under which the applicant was permitted to resume duty. However, the reply submitted by the state respondents indicate that the

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	<p>applicant submitted application for grant of leave on May 19, 2011 and absence of the applicant was regularised by the order of the Finance Department, Government of West Bengal on October 25, 2013 and by the Labour Department, Government of West Bengal on October 30, 2013. Admittedly, the applicant received arrears of salary to the tune of Rs. 4,39,146/- on September 06, 2014 after the order of regularisation of absence of the applicant was communicated to the Superintendent, E.S.I. Hospital, Asansol on January 07, 2014.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record we find that the applicant prayed for regularisation of absence of the period from July 05, 1982 to December 21, 1990 by submitting application on May 19, 2011. The delay which took place for regularisation of absence of the application by the Department of Finance and the Department of Labour, Government of West Bengal is quite natural and the said delay cannot be attributed to the conduct of the state respondents. In view of our above findings, we would like to hold that the applicant is not entitled to get any interest for delayed payment of arrears of salary. As a result,</p>	

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Csm	<p>the original application is dismissed.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	