

ORDER SHEET

West Bengal Administrative Tribunal

Present.-

The Hon'ble Justice Ranjit Kumar Bag

&

The Hon'ble Dr. Subesh Kumar Das

Case No. **OA 777 of 2019**

Biswanath Chakraborty

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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02
28/11/2019

For the Applicant : Mr. G.P. Banerjee,
Mrs. S. Dey,
Ld. Advocates.

For the State Respondent : Mr. S.N. Ray,
Ld. Advocate.

Affidavit of Service filed on behalf of the applicant is kept on record.

The applicant has prayed for direction upon the respondents to regularise the absence of the applicant from duty by grant of leave with effect from the month of February 2018 and disburse arrears of salary and other consequential reliefs.

The applicant joined in the post of Deputy Magistrate and Deputy Collector, Kharagpur in the district of Paschim Midnapore on July 24, 2017. Previously, he worked as Block Development Officer at Mayureshwar on promotion to the cadre of West Bengal Civil Service (Executive). The contention of the applicant is that all members of his family were suffering from skin disease and they had to go to Apollo Hospital at Chennai and All India Institute of Medical Sciences, New Delhi for treatment and thereby he was absent from duty from October 09, 2017 to October 27, 2017. He had to remain absent till December 30, 2017 and thereafter he joined in the office on January 02, 2018. It is further contended that the applicant was again absent from duty as he was suffering from Cardiac problem from

ORDER SHEET – (Continuation)

Form No.

Biswanath Chakraborty
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA 777 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>January 03, 2018 onwards for which he submitted application along with Medical Certificate for grant of commuted leave. It is alleged that the applicant was not permitted to resume duty after recovery from illness inspite of production of Medical Certificate and application for grant of commuted leave. Under the above circumstances, the respondent no. 4, Sub-Divisional Officer, Kharagpur issued one letter to the applicant on February 08, 2018, by which salary of the applicant was withheld from the month of February 2018 onwards. Ultimately, on May 18, 2018 the respondent no. 3, District Magistrate, Paschim Midnapore sent one letter to the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms and e-Governance stating the entire background facts leading to stoppage of salary of the applicant from the month of February 2018 along with copy of various applications submitted by the applicant for grant of leave and extension of leave and also application praying for voluntary retirement from service. There is nothing on record to indicate that the respondent no. 1 has acted upon the said letter submitted by the respondent no. 3 on May 18, 2018 (annexure 'P12' to the original application).</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we are of the view that the issue of disbursement of</p> | |

ORDER SHEET – (Continuation)

Form No.

Biswanath Chakraborty
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA 777 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 |
|---------------------------------------|---|---|
| Csm | <p>salary of the applicant with effect from the month of February 2018 cannot be decided without regularisation of long period of absence of the applicant from duty and without deciding the prayer of the applicant for voluntary retirement from service. In view of our above observation, we would like to give direction to the respondent no. 1 to consider the letter of the District Magistrate, Paschim Midnapore in accordance with law after giving the applicant an opportunity of hearing within reasonable period of time.</p> <p>Accordingly, the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Personnel & Administrative Reforms and e-Governance, is directed to take a decision on the basis of the letter submitted by the respondent no. 3, District Magistrate, Paschim Midnapore on May 18, 2018 (annexure 'P12' to the original application) in accordance with the rules by passing a reasoned order after giving the applicant an opportunity of hearing within a period of 12 (twelve) weeks from the date of communication of the order and to take necessary follow-up action within a period of 04 (four) weeks thereafter. With the above direction, the original application stands disposed of.</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> | |

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.....Case No. **OA 777 of 2019**

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| 1 | 2 | 3 |