

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-939 of 2018**

Goutam Kumar Pal

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.
1	2	3
<u>02</u> 18/02/2019	<p><i>For the Applicant</i> : <i>Mr. S.N. Ray,</i> <i>Mrs. P. Sasmal,</i> <i>Ld. Advocates.</i></p> <p><i>For the State Respondent :</i> <i>N O N E.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for permitting the applicant to resume duty and for disbursement of arrears of salary of the applicant after quashing of order communicated to the applicant under letter dated September 20, 2018 by District Inspector of Schools, (PE), Kolkata.</i></p> <p style="text-align: center;"><i>The contention of the applicant is that he has been working as Upper Division Clerk in the office of the Respondent No. 4, District Inspector of Schools, Primary Education, Kolkata. It appears from the materials on record that the wife of the applicant filed one Mat suit No. 204 of 2015 before the Court of Learned Additional District Judge, 1st Track Court No. 3, Barrackpore and Learned Additional District Judge passed an order on April 12, 2018 in Mat Execution No. 51 of 2017 arising out of Mat suit No. 204 of 2015 directing the respondent no. 4 to deduct a sum of Rs. 20,000/- from the salary of the applicant for the month of May 2018, June 2018 and deposit the sum in the Savings Bank Account of wife of the applicant maintained with SBI, Sodpur. It further</i></p>	

ORDER SHEET – (Continuation)

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	<p><i>appears from the materials on record that the applicant was detained in Correctional Home for a period of one month from July 04, 2018 to August 02, 2018 by the order of Learned Additional District Judge, Barrckpore for non-payment of amount of maintenance to the wife of the applicant. However, it is not clear to us whether the applicant was suspended for detention in custody exceeding 48 hours as per provision of Rule 7 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971. Nor is it clear to us whether the order of suspension, if any, issued in connection with the applicant has already been cancelled. Nothing is on record to indicate that departmental enquiry by framing of specific charges has been initiated against the applicant by the disciplinary authority of the applicant, though some allegations have been made by District Inspector of Schools (PE), Kolkata in the letter addressed to the applicant on September 20, 2018 (Annexure 'A1' to the original application).</i></p> <p><i>None appears on behalf of the state respondents inspite of service of notice as reflected from the affidavit of service filed on behalf of the applicant. Having heard Learned Counsel for the applicant, we are of the view that the respondent no. 2 should consider whether the applicant should be permitted to resume duty and whether arrears of salary if any will be disbursed in</i></p>	

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Csm	<p><i>favour of the applicant on verification of records within specific period of time.</i></p> <p><i>In view of our above observation, the respondent no. 2, the Commissioner, Department of School Education, Government of West Bengal is directed to consider whether the applicant should be permitted to resume duty and whether the applicant is entitled to arrears of salary, if any, on verification of records within a period of 12 (twelve) weeks from the date of communication of the order and take all necessary follow up action, if any, in accordance with law within a period of 8 (eight) weeks thereafter. With the above direction, the original application stands disposed of.</i></p> <p><i>Let a Plain Copy of the order be supplied to the applicant.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	