

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

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Subesh Kumar Das**

**Case No –OA 1185 OF 2016**

**Ashoke Gupta 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>9</p> <hr/> <p>04.10.2018</p>	<p>For the Applicant : Mr. A.K. Mondal, Learned Advocate.</p> <p>For the Respondents : None.</p> <p>The applicant has prayed for direction upon the respondents to permit him to join for duty by granting leave and on cancellation of order dated February 7, 2014 passed by the Block Development Officer, Arambagh and order dated November 28, 2014 passed by the District Magistrate, Hooghly.</p> <p>The applicant claims to be a Group D employee in the establishment of the Respondent No. 4, Block Development Officer, Arambagh. The contention of the applicant is that he was absent from duty since December 28, 2012 due to illness of members of family and himself and he was not permitted to resume duty when he was declared medically fit by the doctor. The further contention of the applicant is that the Respondent No. 4 passed an order on February 7, 2014 for stoppage of salary of the applicant due to unauthorised absence for prolonged period of time. It is also contended on behalf of the applicant that on November 28, 2014, the Respondent No. 2 communicated to the Respondent No. 4 for taking action against the applicant for unauthorised absence during prolonged period of time in terms of Rule 34 of WBSR Pt. I.</p>	

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	<p>With the above factual matrix, Learned Counsel for the applicant contends that the applicant is physically fit, but he has not been permitted by the Respondent No. 4 to resume duty, resulting in non-drawal of salary from February 7, 2014. None appears on behalf of the State respondents in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant.</p> <p>On consideration of the materials on record, we find that the applicant is absent from duty from December 28, 2012 and the said absence has not been regularised by grant of leave till date and as such the question of payment of salary to the applicant does not arise at this stage. Since no disciplinary action has yet been taken against the applicant and since the applicant has claimed to be medically fit for resuming duty, we are of the view that the applicant should be permitted to resume duty and his prolonged period of absence should be regularised by grant of leave in accordance with law. The applicant is entitled to get salary only after regularisation of absence and grant of leave in favour of the applicant.</p> <p>Accordingly, the Respondent No. 2, District Magistrate, Hooghly is directed to consider for regularisation of absence of the applicant by grant of leave to the credit of the applicant and by grant of Extra Ordinary Leave in accordance with the provisions of WBSR Pt. I and permit the applicant to resume duty by passing a</p>	

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Rajib	<p>reasoned order within a period of eight weeks from the date of communication of the order and to take necessary follow-up action including payment of salary to which the applicant is entitled within a period of four weeks thereafter.</p> <p>With the above direction, the original application stands disposed of.</p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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