

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 160 OF 2018

Ritu Mazumder 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
6 04.01.2019	<p>For the Applicant : Mr. S. Basu, Ms. G. Saha, Learned Advocates.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for disbursing his salary from the month of November, 2017.</p> <p>It appears from the materials on record that the applicant was appointed to the post of Assistant Librarian in West Bengal State Music Academy by order dated August 3, 1990 issued by the Director of Culture, Government of West Bengal. The service of the applicant was placed at the disposal of Member Secretary, Minerva Natya Sanskriti Charcha Kendra by order dated July 30, 2009 issued by the Director of Culture, Government of West Bengal. Learned Counsel representing the applicant submits that the applicant could not report to the Member Secretary of Minerva Natya Sanskriti Charcha Kendra as he did not find existence of such person after obtaining order of transfer on July 30, 2009. However, the applicant has received salary upto the month of October, 2017 from Executive Officer of West Bengal State Music Academy under the Department of Information and Cultural Affairs, Government of West Bengal. On our query, Learned Counsel for the applicant submits that the applicant</p>	

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sent one representation through Learned Advocate Manabendra Nath Das by speed post on October 10, 2011, in connection with his transfer from West Bengal State Music Academy, though the said document has not been annexed either to the original application or to the rejoinder submitted on behalf of the applicant. On our further query, Learned Counsel for the applicant submits that the applicant did not discharge any duty after the order of transfer on July 30, 2009, but he received salary till October, 2017.

Learned Counsel representing the State respondents submits on the basis of reply of the State respondents that the applicant was absent from duty from the month of August, 2017 without obtaining necessary permission from the concerned authority. One show-cause notice was issued to the applicant by the Director of Culture, Government of West Bengal on March 24, 2018 for unauthorised absence of the applicant w.e.f. August 1, 2017.

Having heard Learned Counsel representing both parties and on consideration of the fact that the applicant did not discharge any duty after the order of transfer on July 30, 2009, we are of the view that the Director of Culture, Government of West Bengal should consider whether the applicant is entitled to get salary after granting leave to the applicant, if any leave is to the credit of the applicant, within specific period of time. The Director of Culture, Government of West Bengal is also at liberty to take appropriate disciplinary action against the applicant for unauthorised absence from duty and take necessary follow-up action within specific period of time.

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In view of our above observation, the Respondent No. 3, Director of Culture, Department of Information and Cultural Affairs, Government of West Bengal is directed to consider whether the applicant is entitled to get salary from the month of November, 2017 after taking into consideration the conduct of the applicant in accordance with law within a period of eight weeks from the date of communication of the order and intimate the same to the applicant within a period of four weeks thereafter.

With the above direction, the original application is disposed of.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib

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