

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 222 OF 2020

Dr. Uttam Saha v/s 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
2 <hr/> 19.08.2020	<p><i>For the Applicant : Mr. M. N. Roy , Mr. G. Halder, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>The applicant has been working as Medical Officer of Dr. J.R. Dhar Sub-Divisional Hospital, Bongaon w.e.f. March 20, 2015 in terms of G.O. dated March 16, 2015 of Swasthya Bhavan, Government of West Bengal and Memo. dated March 19, 2015 of Chief Medical Officer of Health, North 24-Parganas. It is submitted on behalf of the applicant that he has drawn salary in terms of ROPA Rules, 1998 till the month of March 31, 2020. It is further submitted that payment of salary of the applicant was stopped w.e.f. April 1, 2020 in spite of discharge of his duty till date and thereby the applicant has approached this Tribunal for immediate disbursement of his salary by passing an interim order.</i></p> <p style="text-align: right;"><i>Mr. M.N. Roy, Learned Counsel appearing for the</i></p>	

ORDER SHEET

DR. UTTAM SAHA

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA-222 of 2020**

.....

applicant contends that the salary of the applicant was not fixed in terms of previous ROPA Rules applicable to the employees of the State Government. Mr. Roy has placed on record Memo. No. BON/SDH/20/1315 dated July 3, 2020 issued to the Director of Health Services, Government of West Bengal by the Superintendent of Dr. J.R. Dhar Sub-Divisional Hospital, Bongaon and submitted that the salary of the applicant could not be disbursed from the month of April, 2020 for non-acceptance of the data with regard to salary bill of the applicant in HRMS system introduced by the Government of West Bengal. It appears from the said Memo. dated July 3, 2020 that the service book of the applicant was not forwarded from his previous place of posting at Mekliganj in the district of Cooch Behar to his present place of posting at Bongaon in the district of North 24-Parganas and thereby pay fixation of the applicant could not be done in terms of the current ROPA Rules applicable to the employees of the State Government

Mr. Ghosh, Learned Counsel representing the state respondents, submits that the correspondences are being exchanged between the respondents for payment of salary

ORDER SHEET

DR. UTTAM SAHA

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA-222 of 2020**

.....

of the applicant and he assured that the salary of the applicant would be paid without much delay. With consent of both sides the respondent No. 5 is expunged from record as the said respondent is not necessary party in this proceeding.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we do not find any justification for non-payment of salary of the applicant w.e.f. April 1, 2020 in spite of discharge of duty by him. We are also not in a position to understand why the pay of the applicant has not been fixed in terms of the current ROPA Rules applicable to the employees of the State Government. Accordingly, we direct the respondent no. 2, Director of Health Services, Government of West Bengal to ensure payment of salary of the applicant w.e.f. April 1, 2020 to August 31, 2020 in the scale of pay last drawn by the applicant within a period of 4 (four) weeks from this date and to go on making payment of said salary of every month from the month of September, 2020 within last date of the said month till fixation of pay of the applicant in terms of current ROPA Rules applicable to the employees of the State Government.

ORDER SHEET

DR. UTTAM SAHA

Form No.

.....

Vs.

The State of West Bengal & Ors.

Case No. **OA-222 of 2020**

.....

The applicant is at liberty to file supplementary application disclosing all necessary facts with regard to non-fixation of pay of the applicant in terms of current ROPA Rules applicable to the employees of the State Government within a period of next 4 (four) weeks. The state respondents are directed to file reply within a period of 6 (six) weeks and rejoinder may be filed by the applicant within a period of 2 (two) weeks thereafter.

*List the matter under the heading
"Reply/Rejoinder" on **October 14, 2020.***

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

Rajib