

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 48 OF 2019

Bijan Kumar Mondal 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 |
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| 03 26.02.2019 | <p>For the Applicant : Mr. M. Karim, Mr. D. Saha, Mr. S. Roy, Ms. D. Basu, Learned Advocates.</p> <p>For the Respondents : None.</p> <p>For the Respondent No. 4 : Mr. S. Das, Mr. A. Mitra, Learned Advocates.</p> <p>The applicant has prayed for direction upon the respondents for granting him arrears of salary in terms of order bearing Memo No. Estt. 164 dated August 30, 2017 issued by the Director of Fisheries, West Bengal (Annexure A 5 to the original application).</p> <p>The contention of the applicant is that the applicant was entitled to get arrears of salary by way of revision of pay in terms of Memo No. 437-Fish/C-VI/12P-1/2014 dated February 27, 2017 read with G.O. No. 10581-F(P) dated December 28, 2012 issued by the Finance Department, Audit Branch, Government of</p> | |

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West Bengal. The further contention of the applicant is that Director of Fisheries has already issued order on May 30, 2017 in terms of the above memorandas issued by the Finance Department, Audit Branch, Government of West Bengal, but the said order dated August 30, 2017 has not yet been implemented.

None appears on behalf of the State respondents in spite of service of notice, except the respondent No. 4. Learned Counsel representing the respondent No. 4 submits that he has already been transferred from the post of Director of Fisheries, West Bengal and he has no access to the office record and as such his name may be deleted as the respondent in the present application. On the other hand, Learned Counsel for the applicant submits that the respondent No. 4 did not implement the order intentionally in order to deprive the applicant of his legitimate dues.

Under facts and circumstances disclosed above, we are not inclined to delete the name of respondent No. 4 at this stage. However, now respondent No. 3 is duty bound to implement the order dated August 30, 2017 for the purpose of giving arrears of salary to the applicant within stipulated period of time.

Accordingly, respondent No. 3, Director of Fisheries, West Bengal is directed to take necessary steps for payment of

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| <p>Rajib</p> | <p>arrears of salary to the applicant in terms of order dated August 30, 2017 issued by the Director of Fisheries, West Bengal (Annexure 5 to the original application) within a period of twelve weeks from the date of communication of the order.</p> <p>With the above direction, the original application stands disposed of.</p> <p>Let a plain copy of the order be supplied to the parties.</p> <p>(S.K. DAS) MEMBER(A)</p> <p>(R. K. BAG) MEMBER (J)</p> | |
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