

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

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

Case No – OA - 495 of 2016

Ahin Das 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>11</p> <hr/> <p>12.09.2018</p>	<p>For the Applicant : Mrs. A.C. Sil, Learned Advocate.</p> <p>For the State Respondents : None.</p> <p>The applicant has prayed for direction upon the respondents for release of salary from the month of May, 2014 and other consequential benefits.</p> <p>The applicant was posted as UDC at Haji ST Mallick Block Primary Health Centre, Sankrail in the district of Howrah. A criminal case being Pachla P.S. Case No. 25/14 dated February 1, 2014 under Section 498A/323/34 of the Indian Penal Code was started against the applicant. The contention of the applicant is that he was arrested and detained in custody from February 1, 2014 to February 14, 2014 and thereafter he was released on bail. The further contention of the applicant is that he was also absent for prolonged period due to his illness. Since the applicant was detained in custody exceeding forty hours, he was deemed to be suspended under Rule 7 (3) of West Bengal Services (Classification, Control and Appeal) Rules, 1971. However, no formal order of suspension was issued by the Disciplinary Authority. The Respondent No. 2 issued an order dated February 25, 2015 by permitting the applicant to resume duty pending decision of the criminal case. It appears from copy of the judgment dated February 9, 2017 delivered by Learned Judicial Magistrate, 3rd</p>	

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Rajib	<p>Court, Howrah in G.R. Case No. 594 of 2014 that the applicant has been acquitted of the criminal charge. Since the applicant is acquitted of the criminal charge, it is the duty of the Disciplinary Authority to regularise absence of the applicant by passing an appropriate order and to give financial benefits to which the applicant is entitled as per rules by which the applicant is governed.</p> <p>None appears on behalf of the State respondents. We have heard Learned Counsel for the applicant.</p> <p>In view of our above findings, the Respondent No. 2, Director of Health Services, West Bengal is directed to pass a reasoned order for regularisation of absence of the applicant from service and for giving consequential financial benefits to the applicant in accordance with the relevant provisions of W.B.S.R. Pt. I 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 applicant.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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