

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

The Hon'ble Mrs. Urmita Datta (Sen)
& The Hon'ble Dr. A. K. Chanda

Case No – OA -683 OF 2017.

Uttam Paul. 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>08 <hr/>10/04/2018</p>	<p>For the Applicant : Mr. Prasanta Kumar Mukherjee, Shri Sandip Srimani, Advocates.</p> <p>For the State Respondents : Mr. Apurba Lal Basu, Advocate.</p> <p><i>The instant application has been filed mainly praying for cancellation/ revocation of the order dated 07.03.2017 passed by the Assistant Director, Consumer Affairs & Fair Business Practices Jalpaiguri Regional Office (Annexure P-5) whereby the following order was passed:</i></p> <p>“Shri Uttam Paul, Consumer Welfare Officer, C.A & F.B.P., Govt. Of W.B., has been absenting himself from office since second half of 08.02.2017 to 19.02.2017 without prior approval / sanction of leave.</p> <p>Absence of Shri Paul during the period from 08.02.2017 (afternoon) to 19.02.2017 thus comes under unauthorized absence within the meaning Rule 34 of the W.B.S.R. Part-I and under provisio to Rule 26 of the W.B.S.R. Part-I Shri Paul shall not be entitled to draw pay for the period of his absence from 08.02.2017 to 19.02.2017.</p> <p>Shri Paul has been allowed to join his duties as reported by him on 20.02.2017 (F/N).”</p>	

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GM	<p><i>However, during the course of hearing the counsel for the respondent today has placed one order dated 05.04.2018 issued by the Deputy Secretary to the Government of West Bengal, Consumer Affairs Department to the Directorate of CA & FBP and has also drawn our attention to the communication and has submitted that as per the approval of the Secretary of the Department the Director was directed to release the salary of the applicant which was withheld vide order dated 07.03.2017 by the Assistant Director to the counsel for the respondent since the Assistant Director passed the order of withholding of salary for the period from 08.02.2017 to 19.02.2017 on account of unauthorized absence which was reviewed and cancelled by the Competent Authority. Let the copy of order be kept on record.</i></p> <p><i>However, the counsel for the applicant is not agreeable with the contention of the respondent. Therefore, the respondents are directed to file reply by four (04) weeks and rejoinder, if any, by two (02) weeks thereafter.</i></p> <p><i>The matter will appear on 13.06.2018 as a specially fixed matter.</i></p> <p>DR. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	