

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 757 OF 2023

BABLU DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. Gautam Pathak Banerjee,
and Advocate

Date of order For the State Respondents : Mr. Soumendra Narayan Ray,
Advocate

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18.01.2024

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

Though this matter was listed for hearing today by an order dated 15.12.2023, but unfortunately, the learned counsel for the State respondent has not been able to give any information about the status of the case. For ends of justice, it is important for the State respondent authorities and their learned counsels to be on regular contact, exchanging notes and informations about a matter which would appear in this Tribunal. Such sharing of regular information will help both the State respondents and the learned counsel to submit properly and defend their matters. It is unfortunate that in this matter the State respondent has not been able to say anything. Sadly, in this matter, the applicant is a Group 'D' employee, later promoted as 'Workshop Attendant'. He had been placed under suspension for his involvement in a case (u/s 419/420/406/120B IPC) and placed under suspension by an order dated 01.03.2013 without being given any subsistence allowance till date. The Tribunal notes this fact with grave concern that the respondent authorities, having placed the applicant under suspension since 2013, have refused to provide his entitled subsistence allowance. Such attitude of the respondent authority is not only great injustice to the applicant, but also in complete disregard of the law of the land. It is also noted that the applicant has already been acquitted from these criminal charges by an order of the learned Chief Judicial Magistrate, Alipore,

ORDER SHEET

Form No.

BABLU DAS

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THE STATE OF WEST BENGAL & ORS.

South 24-Parganas by an order dated 22.02.2017. Having been absolved of all the criminal charges and honourably acquitted, the applicant furnished a detailed representation before the Directorate of Social Welfare on 08.09.2016 followed by a reminder representation on 23.06.2021.

The Tribunal finds that the respondent authorities are still sitting tight over the matter and not bothering to consider these representations. If the senior officials of the Government are so immune from the suffering of their employees, then what can this Tribunal do? In this case, it is shocking to know that this applicant was under suspension since 2013 without any subsistence allowance being paid to him. Despite intimation of his acquittals in 2017 in the same criminal cases, it is really worrisome that neither his suspension has been revoked nor any arrears of subsistence is paid. One can understand the plight of this poor employee and sufferings of his family enduring such trauma for the past ten years. Thus, it has become imperative that copy of the Tribunal's observation be presented before the highest officials of the State Government and request their intervention in this matter. The Tribunal is also not sanguine that any direction to the respondents in this application will bear any fruit. Therefore, **let a copy of this order be presented before Mr. Bhagwati Prasad Gopalika, IAS, the Chief Secretary of the State** by the Registry requesting for his personal intervention in this matter. This is a classic case of the lackadaisical attitude and apathy of the officials in treating lowly paid government employees. If such is the style of the officials, then suitable intervention of the highest authority is absolutely necessary.

Liberty is also given to the learned counsel for the applicant to serve a copy of this order to the respondents.

Accordingly, this application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.