

**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 91 OF 2024**

**RAJES LAL MALLICK - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mrs. M. Roy Chowdhury,  
and Advocate  
Date of order For the State Respondents : Mr. D. Kole,  
Advocate

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15.05.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Kole submits that the picture painted by the applicant's counsel that his services has been discontinued by the respondent is not correct. For his unexplained absence from duty, the respondent had to issue him a show cause notice dated 23.12.2019. Though a reply has been furnished by the applicant after a gap of around five years, it can be seen from such reply that the applicant has deliberately not mentioned anything specific to his remaining absent from duty.

From the submissions, it also transpires that a long pending criminal case is the reason for which such absence has occurred. It is thus clear to the Tribunal that the applicant has failed to join his duty. Unless he joins the duty by way of being physically present and by submitting a joining letter, the Tribunal does not find any reason why any direction be issued to the respondent authorities. Though no disciplinary proceeding has been initiated till date against the applicant, but presently the prayer is for setting aside the proceedings, if any, against the applicant. The applicant cannot presume such disciplinary proceedings unless it has been initiated and communicated to him. If he sincerely wishes to resume his duties by submitting the joining letter along with a reply to the show cause explaining the reasons for absence since 22.09.2019 and praying for regularisation of the absent period, he is at liberty to do so.

If the applicant thus presents himself along with a joining letter and reply to the show-cause, the respondent No.3, the Principal, Murshidabad Medical College and Hospital is requested to examine his letters and decide as per Rule the appropriate action to be taken with regard to acceptance of joining letter and regularisation of the absent period.

Accordingly, the application is disposed of.

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

SCN.