

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 222 of 2023

PRAKAS KUMAR NATH - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and Date of order For the Applicant : Mr.Manujendra Narayan Roy
Advocate

01
25.04.2023

For the State respondents :

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 counsel, the case is taken up for consideration sitting singly. .

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the respondent authority to re-fix his pay and allowances after adding annual increments since due to him from 18.07.2017. It appears that the suspension order was withdrawn by the respondent, however, with a rider that *“His Service condition along with yearly increment will be regularised according to the final decision of Honable Court in connection with ACB PS Case No. 09/15, dated 16.11.2015 u/s 7/8/9/10/14 of PC Act’88 r/w sec 109/34/120B IPC and final order of the Disciplinary Proceedings against him”*.

Mr.M.N.Roy, learned counsel for the applicant submits that such withholding of his annual increment without any orders of the Hon’ble Court or any punishment order imposed after completion of any disciplinary proceeding, is not legal and not supported by any service rules.

ORDER SHEET

Form No.

PRAKAS KUMAR NATH

Vs.

Case No. **OA 222 of 2023**

The matter is admitted. Let the matter appear under the heading 'For Orders' on 27th July, 2023. Reply, rejoinder, if any, in the meantime.

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

BLR