

ORDER SHEET
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 - 250 of 2024

Dr. Bazlul Islam - Vs - The State of West Bengal & Ors.

Serial No. and

Date of order

For the Applicant : None.

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07.03.2025.

For the State Respondents : Mr. Ranjit Kumar Mondal,
Learned Advocate.

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.

The applicant has filed this application praying for setting aside the impugned reasoned order dated 15.04.2024, passed by the Director of Health Services. In terms of a direction of Hon'ble High Court in WPST 107 of 2021, such reasoned order was passed by the Director of Health Services. The applicant has responded to the reasoned order by furnishing a letter dated 27.04.2024.

In short, the applicant, a Medical Officer posted in the districts was issued show cause letters for remaining on unauthorised absence. The reasoned order explained in details the dates on which he was on such unauthorised absence which was enquired by an Enquiry Committee. The Enquiry Committee had submitted its findings in a report dated 17.01.2024, corroborating the allegations of his unauthorised absence and also questioning the authenticity of some of the documents presented by the applicant. Accepting the report of the enquiry committee, the Director of Health Services passed an order for recovery of Rs. 13.42 lakhs drawn from the applicant. Such overdrawn amount through salary is to be recovered from the applicant at the time of settlement of his retirement dues.

Mr. Mustafa, learned counsel had argued that the applicant had never been served these so-called show-cause notices. Further, Dr. Ramakanta Majumder, his supervisory officer had issued a letter stating his satisfaction that there was no instance of unauthorised absence. Therefore, the question of

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overdrawal, as pointed out by Audit report of 01.09.2016, is not valid.

Having heard the submissions from both the sides and after examination of the records in this application, the Tribunal finds that the applicant, Dr. Baizlul Islam had remained absent for several days as pointed out in the findings of the Enquiring Committee and the reasoned order. The Enquiring Committee, which had presented the detailed report, was satisfied that the applicant was not able to fully respond to the specific questions. The Enquiring Committee was also doubtful of some of the records presented by the applicant to cover up the absent periods. For instance, he inadvertently shows 29th and 30th February for which he had applied for earned leave.

From a proper examination of the records, it satisfies the Tribunal that the applicant was absent for various periods during his posting at Herampur PHC under Islampur Rural Hospital. In the face of such detailed report submitted by the Enquiring Committee, the defence statement of Dr. Ramakanta Majumder, the Ex-B.M.O.H. of Islampur Rural Hospital cannot be accepted. Further, the allegations made by the Enquiring Committee that the applicant had misled the Enquiring Committee by furnishing false and fabricated documents and some of the attendance register had been tampered cannot be rejected outright. The clear impression gained by this Tribunal is that the applicant used to absent himself from duty from Herampur PHC, a remote part of the State. The responses presented by him before the Enquiring Committee and the replies he submitted are not sufficient to satisfy this Tribunal that the reasoned order directing to the tune of Rs. 13.42 lakhs overdrawn was absurd and arbitrary. It should also be appreciated that whenever he remained absent, his superiors diligently show-caused him. Such details with dates are recorded in the documents presented by the respondents. The only plea the applicant has made is that these show-cause notices were not received by him.

From the above observations, the Tribunal does not find any merit in the prayers of this application for setting aside the reasoned order dated

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15.04.2024 passed by the Director of Health Services. This application, being devoid of any merit, is disposed of without passing any orders.

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

SCN.