

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 - 71 of 2022

Durlav Mukherjee - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

12
17.06.2025

For the Applicant : The applicant appears in person

For the State : Mr. G.P. Banerjee,
Respondents 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 prayer in this application is for a direction to the respondent authorities to disburse his salary for the month of November, 2020 till February, 2021. From the records in this application and supported by submissions of Mr. Banerjee, counsel for the state respondents, it has become clear that the applicant was absent from his duty for nearly one year from 21.03.2020 till 17.02.2021. The applicant is an Assistant Engineer, Kangasabati Design Division under Irrigation & Waterways Department. The reply of the state respondents contains specific dates of his absent period. It appears that the applicant did not attend duties as an Assistant Engineer during this entire period and no prior intimation or leave application was also presented by him. In one paragraph of the reply, it is also seen that the office disbursed his salary for five months till October, 2020 despite he remained absent.

Mr. Banerjee has also submitted and drawn attention to copies of show cause and administrative orders issued to him by the Executive Engineer, Kangasabati Design Division.

Form No.

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THE STATE OF WEST BENGAL & OTHERS.

Mr. Mukherjee appearing in person admits that he was indeed absent from his duties and not performing his duties during the entire period from 08.06.2020 till 17.02.2021 due to restrictions prevailing during the time of COVID-19. The Tribunal does not find such statements admitting his absence in the rejoinder, he has filed.

From the above records and submissions, it has become clear to the Tribunal that the applicant is praying for disbursal of his salaries despite admitting that he was absent and not performing his duties. The Tribunal cannot but agree with the decision taken by the respondent authorities in rejecting his claim for payment of salary for the entire period during he remained absent. Simply by giving the pretext of COVID -19 one cannot claim such salaries and regularisation of his absent periods. Therefore, devoid of any merit in the application, the application is disposed of.

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

SC