

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 706 of 2018.

CHINMAY BARMAN – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">2</p> <hr/> <p>24.9.2018.</p>	<p>For the Applicant : Mr. S.K. Mondal , Advocate.</p> <p>For the State Respondent : None.</p> <p style="text-align: center;">Affidavit of service affirmed on 19th September, 2018 filed be kept on record. Despite service of notice none appears on behalf of the respondents.</p> <p>In this application the applicant, a Cashier- cum-Storekeeper, has prayed for a direction upon the respondents to allow him to resume his duties in the office of BDO , Sitalkuchi. Prayer has also been made upon the respondent authorities to forthwith release and/or disburse salaries and admissible dues which are yet to be paid. It appears that the order of transfer dated 24th August, 2016 was issued by the District Magistrate, Cooch Behar transferring the applicant from Sitai to Sitalkuchi . By order dated 30th January, 2017 the applicant was released. The applicant on 2nd February, 2017 had joined the office at Block Development Office, Sitalkuchi. It appears during the same time, the Block Development Officer, Sitai Development Block in a written communication dated 31st January, 2017 addressed to his counterpart at Sitalkuchi requested him</p>	

ORDER SHEET

CHINMAY BARMAN.

Form No.

Vs.

STATE OF W.B. & ORS.

Case No. **OA 706 of 2018.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
	<p>to spare the applicant for 21 days for some work in the office. It appears from the petition that an audit was to be conducted in the office at Sitai from 28th February, 2017 for the period when the applicant had served. Similar request was made on 23rd February, 2017 and on 5th April, 2017 by the Block Development Officer, Sitai Development Block to his counterpart. Thereafter, the BDO, Sitai Development Block by memo dated 11th May, 2017 addressed to the applicant stated that though released on 24th August, 2016, as the applicant was yet to hand over charge to one Prabir Kumar Ghosh, he was directed to hand over charge within three days or to face legal action. Second reminder was issued on 14th June, 2017. Thereafter it appears the Block Development Officer, Sitalkuchi by a memo intimated that though the applicant had joined on 2nd July, 2017, however he was found absent unauthorisedly for a period of 145 days at the office of BDO, Sitalkuchi. A similar memo dated 12th October, 2017 was issued, which was followed by another memo dated 27th November, 2017. The Block Development Officer, Sitai , who had requested the applicant to help in conducting the audit, inter alia, intimated the District Panchayat & Rural Development</p>	

ORDER SHEET

CHINMAY BARMAN.

Form No.

Vs.

STATE OF W.B. & ORS.

Case No. **OA 706 of 2018.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
	<p>Officer, Cooch Behar that the applicant had completed his pending work and no discrepancy could be found . Thereafter on 23rd March, 2018 the applicant addressed a letter to the BDO, Sitai wherein he narrated the events regarding his absence at Sitalkuchi and requested the BDO, Sitai to consider his case sympathetically and to take action for letting him join the office at Sitalkuchi Development Block. Thereafter, the applicant in a letter furnished on 13TH August, 2018 before the District Magistrate had prayed for permission to attend office and sign the attendance register and to regularise his period of absence and to release the salary withheld since March, 2018.</p> <p>It is submitted by Mr. S.K. Mondal. Learned advocate for the applicant that direction may be issued upon the District Magistrate, Cooch Behar, the respondent no. 2 to dispose of the representation filed on 13th August, 2018.</p> <p>Having heard Shri S.K. Mondal, learned advocate for the applicant and considering the facts and circumstances of this case, the application is disposed of by directing the District Magistrate, Cooch Behar, the respondent no. 2, to dispose of the representation by</p>	

ORDER SHEET

CHINMAY BARMAN.

Form No.

Vs.

STATE OF W.B. & ORS.

Case No. **OA 706 of 2018.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
Skg.	<p>passing a reasoned order to be communicated to the parties within eight weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant and the BDO, Sitalkuchi and BDO, Sitai – respondent no. 3 & 4 respectively, and after verifying the records. If it is found that the BDO at Sitai being aware of the transfer order dated 24th August, 2016 had issued the subsequent letters/orders engaging the applicant, appropriate action be taken against him after complying with the principles of natural justice. Since it appears that till date, the applicant is not being allowed to join at Sitalkuchi, the BDO, Sitalkuchi, the respondent no. 3 is directed to allow the applicant to join his post forthwith after completion of formalities, if any.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

ORDER SHEET

CHINMAY BARMAN.

Form No.

.....

Vs.

STATE OF W.B. & ORS.

Case No. **OA 706 of 2018.**

.....

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3