

WPST 50 of 2020

Sk. Enait Ali
-versus-
State of West Bengal & Ors.

M/s. Rajmohan Chatteraj,
Abhijit Sarkar,
Shankar Dalopati,
Subrata Sarkar,
Sourav Mondal, Advocates
... for the petitioner

Order dated July 08, 2019 passed by the West Bengal Administrative Tribunal (for short 'The Tribunal') in O.A. No.1335 of 2014 has been challenged by the petitioner. By the aforesaid order the prayer of the petitioner for grant of arrear of salary for the period from May 13, 2004 to February 01, 2010, was rejected.

Much facts are not required to be noticed as it will be sufficient to note that the petitioner was dismissed from service on November 30, 2005. However, he was reinstated on January 31, 2010, after the order of dismissal was set aside by the Tribunal vide order dated August 17, 2009 passed in O.A. No.822 of 2004. On that very day, i.e., on January 31, 2010 another order was passed directing that for the period from his dismissal till reinstatement in service, the petitioner shall not be entitled to any financial benefits and the same shall be treated as extraordinary leave.

The petitioner claims that he is entitled to salary for the period during which he remained dismissed from service. He filed Original Application before the Tribunal more than four years thereafter. Relevant prayer of the

petitioner was declined but the fact remains that in terms of Section 21 of the Tribunals Act, the petitioner could approach the Tribunal within one year of the passing of the order or within one year and six months in case no order is passed on a representation filed by an employee. As in the case in hand, specific order was passed on January 31, 2010 directing that the petitioner will not be entitled to any financial benefits for the period he remained dismissed from service. From the date of dismissal from service till his reinstatement, the period shall be treated as extraordinary leave, challenge to the same had to be within one year thereafter. Repeated representations made against the same will not take care of the period of limitation.

As there was huge delay in filing of the OA by the petitioner, he has been rightly declined the relief by the Tribunal.

There is no error in the order passed by the Tribunal. The writ petition is dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

