

**20.03.
2023**

Ct. No. 04

Ab

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.**

WP.ST 38 of 2023

**Swagata De
Vs.**

The State of West Bengal and others.

Mr. Subhadeep Chatterjee.

... for the petitioner.

**Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Tapas Kumar Dey.**

... for the State.

Because of the long absence from service and the salary being credited to the account regularly, the petitioner was permitted to join the duty, but the period of absence was calculated in such a manner that the authority found the excess amount having paid to the petitioner.

The entire dispute hovers around the decision of the authority in extending leave to the petitioner, which was not considered to be granted without an order of recovery of the excess amount to be paid.

The petitioner approached the Tribunal with the assertion that the petitioner was initially admitted in the hospital having suffered cerebral attack and could not join under the medical advise, but subsequently when she was declared fit to resume duty, though she was permitted to join the duty, but the period of absence has been calculated in an unfair and unreasonable manner when leaves were in existence to her credit. The Tribunal also noticed the aforesaid discrepancies and directed the petitioner to file a comprehensive representation so that the authority would decide the sanction of the leave

afresh.

Several documents in relation to the illness have been annexed to the application, which are also to be taken into consideration sympathetically and in pragmatic manner. The nature of the illness requires a sympathetic consideration and we except that the moment the representation is made, the authority would bear the same in mind in disposing of the said representation.

However, taking into account the sufferance of hardship of the petitioner, we, therefore, direct the concerned authority mentioned in the impugned order to dispose of such representation, which shall be filed in course of this week and dispose of the same within two weeks therefrom.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

