

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

O.A. No.350/1643/2017

Date of Order: 25.09.2020

Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms) Nandita Chatterjee, Administrative

Dr. Bhaskar Basu, son of Late Gangesh Kumar Basu, aged about 67 years, residing at 5/7, Dum Dum Road, Kolkata – 700030 ex Professor (Medicine) at ESIC PGIMSR &MC, Joka, Kolkata – 700104 and presently working as Professor of Medicine at J.I.M.S Hospital, K.P. Mondal Road, Buita, Budge Budge, Kolkata 700137.



.....Applicant

-Versus-

1. Union of India, represented by the Secretary, Ministry of Labour & Employment, Government of India, New Delhi.
2. The Director General, ESI Corporation, Headquarter Office, Panchdwip Bhawan, CIG Road, New Delhi – 110002.
3. The Joint Director (M.E) Head Quarters Office, Employees State Insurance Corporation, Panchdwip Bhawan, CIG Road, New Delhi – 110002.
4. Regional Director, ESI Corporation of 5/1, Grant Lane, Kolkata – 700012.
5. The Dean, ESI-PGIMSR &ESIC Medical College, ESIC Hospital and ODC (EZ) Diamond Harbour Road, P.O Joka, Kolkata – 700104.

.....Respondents

For the Applicant(s): Mr. A. K. Banerjee, Counsel  
For the Respondent(s): Mr. S. Banerjee, Counsel

Per: Mrs. Bidisha Banerjee, Member(J)

1. Heard ld. Counsels for both parties.
2. We have perused the speaking order dated 07.04.2017, which shows that the salary for April 2016, being the salary payable for the last month, has not been paid since the applicant has failed to give notice to the authorities prior to one month before the contract stood terminated i.e. w.e.f. 01.05.2016.

3. Ld. Counsel for the applicant submits that the applicant had attended duty on 30.04.2016 and that 01.05.2016, being May Day and holiday, he was not required to attend office. But his salary for the month of April stands forfeited.

4. Since as per the agreement clause as shown in para 6 of the agreement executed by the applicant with the respondents' organisation and in view of the contract, the salary for a month seems to be unpaid, we quash the order dated 07.04.2017 and remand the matter back to the competent authority to grant him salary for the last month taking into account the attendance as shown in the Attendance Register and if nothing else stands in the way. Let appropriate order be issued within 4 weeks from the date of its receipt.

(Dr Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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