

WEST BENGAL BOARD OF SECONDARY EDUCATION

Memo No. 9517/G/1 Date: 27.1.94

To: The Secretary,  
Chingishpur High School,  
P. O. Chingishpur, Dist. Dakshin Dinajpur.

**Sub: Appeal preferred by Sri Siba Prasad Chaki against the authorities of your school (appeal No. 7/93).**

Dear Sir,

I am directed to forward herewith the entire decision of the appeal Committee of the Board taken in its meeting held on 9.12.93.

“The appellant is present. Sri Nilotpal Sarkar. T. R and Sri Dibyendu Talukdar another teacher duly authorised by the Secretary are present. Heard the parties.”

The case of the appellant is that the respondent has not sanctioned his compensatory leave for 95 days in 1989 and medical leave for 33 days in 1993.

The case of the respondent is that he apprehended that there is serious irregularity in the matter of accumulation of compensatory leave and Medical Leave and considering the total irregularity, the Managing committee was not inclined to grant the said compensatory leave and medical leave and decided further to treat the same leave as leave without pay and to realise the money already paid to the appellant from his salary.

Though no decision was taken by the Managing Committee in respect of compensatory leave and the medical leave as prayed for by the appellant the fact is that no amount has yet been deducted from the salary of the appellant—H.M. He has been paid full amount of his salary and admissible allowances.

The question now is whether compensatory leave and medical leave should be granted. It was only in 1989 that the M.C. decided to start the leave register and the leave register was duly started in the last year. The leave register has not been maintained in the way it should have been done. There are no entries in respect of some of teachers and entries in respect of some of teachers are incomplete. The appellant has also filed his service book. There are entries in the service book upto the year 1989 and it appears that leave prayed for was not considered. It is not proper that leave should not be sanctioned only because the papers are not available. It is the duty of the M.C. to see that the papers are maintained in accordance with the rules. This has not been done. Only in respect of some other teachers the M.C. has sanctioned leave by resolution of the M.C. One of the resolutions shows that the M.C. did not sanctioned leave of the appellant. This does not appear to

be fair. If no papers are ready, the appellant should not be made to suffer. It is true that the appellant has been receiving full pay, no deduction has been made. But unless the matter is regularised this will effect the interest of the appellant after his retirement. Not only that if papers are not properly maintained with regard to leave the interest of all teachers will suffer, after their respective retirement.

In the interest of the school the appellant giving an undertaking before the Appeal Committee that he will prepare leave register of all teachers after consulting the records and the service books of each teacher. This the appellant has undertaken to do during the next summer vacation. The M.C. considering the interest of all the teachers should see that it is properly done during the coming summer vacation. Meanwhile, the leave prayed for by the appellant should be sanctioned. If all papers are made ready and it appears that the appellant is not entitled to get the leave he has applied for he will be bound to refund any amount which he has got on account of leave.

No deduction has yet been made from his salary. This will be done if after all the papers are properly maintained and it is found that the leave as prayed for by the appellant is not due. One of the grievances of the respondent is that the appellant is not to get compensatory leave because he did not perform any work which will entitle him to get compensatory leave. Rule 6 of the leave Rules says that a teacher may be granted compensatory leave for the period he may be required to attend the school for duty during the long vacation or holidays provided he attains the school at least 7 days during such vacation or holidays. These 7 days need not be consecutive and a stretch but during these 7 days a teacher must attend the school.

The appellant is the Headmaster of the school. It is the duty of the H.M. to see the affairs of the school during holidays. The appellant categorically stated that during the holidays he attended the school for attending certain duties, in the circumstances non-sanctioning of leave as prayed for by the appellant is not justified.

Hence leave, both compensatory and medical should be sanctioned immediately. The Headmaster will also prepare necessary documents and leave register in accordance with the rules during the Summer vacation. If he does not do it or if it is found from the documents that the leave prayed for is not due to him the sanctioned leave may be cancelled.

Hence ordered that the appeal be allowed Compensatory Leave for 95 days and Medical Leave for 33 days in 1993 should immediately be sanctioned as per the conditions mentioned above.

You are, therefore requested to comply with the above order of the Appeal committee of the Board immediately under intimation of compliance to this office.

Yours faithfully,

Sd/- A. Gupta  
for Secretary