

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –**OA 601 OF 2018**

PRABIR KUMAR GHOSH 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;">3</p> <hr/> <p>27.8.2018</p>	<p>For the Applicant : Mr. Tapas Kumar Majumder Advocate</p> <p>For the Respondents: None</p> <p style="text-align: center;">At the very outset, Mr. Tapas Kumar Majumder submits that since the post of Principal Secretary, Government of West Bengal, Department of Higher Education, Science & Technology and Biotechnology, Kolkata is presently occupied by the Additional Chief Secretary, Government of West Bengal, Department of Higher Education, Science & Technology and Biotechnology, Kolkata, leave is sought for to correct the cause title with regard to the respondent no.1. Leave is also prayed to correct prayer (a) of the application. Leave granted to correct the cause title so far as it relates to respondent no.1 and the typographical error in prayer (a) of paragraph 10 at page 10 of the original application.</p> <p style="text-align: center;">Affidavit of service affirmed on 13th August, 2018 and the notice dated 21st August, 2018, issued by Mr. Tapas Kumar Majumder, learned advocate for the applicant to each of the respondents filed be kept on</p>	

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	<p>record.</p> <p>In this application, the applicant, a Group 'D' staff in the Department of Civil Defence, Government of West Bengal has prayed for a direction upon the respondents to withdraw the order dated 20th April, 2015, issued by the A.O. & E.O. Joint Secretary, Government of West Bengal, Department of higher Education, Science & Technology and Biotechnology, N.C.C. Branch, Bikash Bhavan, Kolkata, the respondent No. 2 under which he was placed under suspension with effect from 14th January, 2015 as he was involved in a criminal case being Tarakeswar P.S. Case No. 17 / 15 dated 14th January, 2015 U/s 498A / 306 / 304B IPC instituted against the applicant and his mother. The proceedings continued. It appears from the application that ultimately by judgement dated 17th November, 2016 passed by the learned Additional Sessions Judge Chandernagore, the applicant has been acquitted as they have been found not guilty for the commission of the offence U/s 498A / 306 / 304B IPC and they were acquitted u/s 232 Cr. P.C. and they were discharged from their respective bail bonds. It is submitted by Mr. Majumder, as no disciplinary proceedings have been initiated and the petitioners have been acquitted of all the charges, appropriate direction may be given to the respondents to allow him to join</p>	

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	<p>work.</p> <p>Despite service of notice none appears on behalf of the respondents.</p> <p>Having heard Mr. Majumder, appearing on behalf of the applicant and considering the fact that the applicant has been acquitted of the charges framed under the Indian Penal Code by the judgement dated 17th November, 2016 by the learned Additional Sessions Judge, Chandernagore, the Additional Chief Secretary, Government of West Bengal, Department of Higher Education, Science & Technology and Biotechnology, Kolkata, respondent no.1 is directed to withdraw the order of suspension dated 20th April, 2015 within one week from the date of presentation of a copy of the certified copy of this order and will allow the applicant to join the concerned post within a week thereafter.</p> <p>Since the applicant has been acquitted of all the charges, in our view, in view of the settled proposition of law, he is entitled to full salary and payment thereof for the period during which he was kept under suspension. Therefore, if an application is filed by the applicant for payment of full salary during the period of suspension, the Additional Chief</p>	

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SCN.	<p>Secretary, the respondent shall dispose of the application in accordance with the settled principles of law within four weeks of its filing after giving an opportunity of hearing.</p> <p style="text-align: center;">Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(Soumitra Pal) CHAIRMAN</p>	