

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – MA-76 OF 2021 (OA-297 OF 2020)

**GULSHAN MONDAL - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

03  
04.10.2021

For the Applicants

: Mr.G.P.Banerjee  
Advocate

For the State Respondents

: Mr.M.N.Roy  
Advocate

As prayed for Mr.G.P.Banerjee, learned advocate for the applicant, leave granted to add the Superintendent of Police, Krishnagar Police District, PO-Krishnagar, District-Nadia, as party respondent no. 6 by amending the cause title of the Miscellaneous application in course of this day.

Since Mr.M.N.Roy, learned advocate appearing on behalf the State respondents accepts service of notice of the added respondents, no further copy of the application be served on the added respondents.

The Miscellaneous application being MA-76 of 2021 arising out of OA-297 of 2020, the applicant has prayed for the following relief:

*“8(D). A direction do issue upon the concerned respondent authorities, particularly upon the Superintendent of Police District, Nadia to forthwith consider the representation of the applicant dated 09<sup>th</sup> August, 2021 so made on the basis of the Order dated 26<sup>th</sup> April, 2021 passed by the Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Krishnagar, Nadia, in Complaint Case No. 786 of 2020 (CNR NO: WBND), discharging the applicant from the said case as well as to issue appointment letter in his favour pursuant to*

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*his selection to the post of 'Constable' in in West Bengal Police under Krishnagar Police District, Nadia in the year 2019, both being Annexure- 'Y' and 'Z' herein, and to command them to act in accordance with law."*

Relying on the Miscellaneous application, it is submitted by Mr.G.P.Banerjee, particularly with regard to the order dated 26<sup>th</sup> April, 2021 passed by the Learned Judicial Magistrate, 3<sup>rd</sup> Court, Krishnagar, Nadia passed in complaint case no. C-786 of 2018, as the complaint lodged by the complainant has been withdrawn and at present there is no impediment on the State authorities to issue appointment letter pursuant to his selection to the post of Constable in the West Bengal Police under Krishnagar Police District, Nadia, appropriate order may be passed. Submission is since representation dated 9<sup>th</sup> August, 2021 has been filed by the applicant before the Superintendent of Police, Krishnagar Police District, PO-Krishnagar, District-Nadia, the added respondent, praying for issuing of appointment letter pursuant to his selection to the post of Constable, appropriate direction may be issued praying for consideration of the same.

Mr.M.N.Roy, learned advocate appearing on behalf of the State respondents and the added respondent submits, if directed, the Superintendent of Police, Krishnagar Police District, Nadia, will consider the same in accordance with law.

Having heard the learned advocates for the parties, since it is evident from the Order dated 26<sup>th</sup> April, 2021 passed by the Judicial Magistrate, 3<sup>rd</sup> Court, Krishnagar, Nadia, that it has been held that there is no scope of framing any charge against the accused persons as the case has been amicably settled and complainant has deposed that he would not adduce any further evidence

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and the complaint case no. C-786 of 2018 was disposed of under the provision of Section 245(2) of the Code of Criminal Procedure, the Superintendent of Police, Krishnagar Police District, Nadia, the added respondent, is directed to consider the representation dated 9<sup>th</sup> August, 21021 regarding the joining of the applicant in the post of Constable in the Krishnagar Police District, Nadia, pursuant to his selection in the year 2019 by passing a reasoned to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

The Miscellaneous application being MA-76 of 2021 is disposed of.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN

BLR