

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 418 of 2023

David Biswas - VERSUS - THE STATE OF WEST BENGAL & ORS.

;Serial No. and Date of order <u>1</u> 22.06.2023	For the Applicant	: Mr. S. Bhattacharjee, Advocate
	For the Respondents	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels, the case is taken up for consideration sitting singly.

The matter is admitted.

The prayer in this application is for setting aside the order 127/RO dated 24.02.2023 issued by the Commandant, Jangalmahal. The impugned order which is under challenge had communicated to the applicant the reason for cancellation of his candidature as he “did not turn up”. The candidate was earlier selected for the post of Sub-inspector of Police (AB) by an order 462/RO dated 11.08.2021 with a direction to report for joining before Commandant, Jangalmahal Battalion, Jhargram on 14.08.2021. A day before his joining, the applicant met an accident on 13.08.2021. A medical certificate issued by Chandpara B.P.H.C., Ghaighata Block advised him for ten days rest which was extended by another 34 days. The applicant submitted a letter addressed to O.C. Ghaighata Police Station on the very next day of the accident. This letter of information has a G.D.E. number 897. In the mean time, the authorities communicated to this applicant and others to report for joining on 13.09.2021. Since the applicant on 13th September, 2021 was bed ridden due to the accident, he could not join the post. However, he had informed the authorities on 14.08.2021 his inability to join due to the accident. Later, the respondent authority asked the applicant by a correspondence No. 685/RO dated 30.06.2022 whether he is willing or unwilling to join the post of S.I. (AB). Such confirmation was to be communicated by the applicant through the

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respective O.C.s / I.C.s of the police station. He submitted his willingness to join before the O.C., Ghaighata P.S., which was later forwarded to the Commandant, Jangalmahal Battalion on 01.07.2022. In addition to the willingness communicated to the O.C. Ghaighata, the applicant also submitted a prayer before the D.G. and I.G.P. his willingness to join. But through a communication No. 127/RO dated 24.02.2023 the applicant was informed that his candidature has been cancelled for the reason that he “did not turn up”.

Mr. Bhattacharjee submits that despite his letter of willingness, his candidature was cancelled for the reason of his allegedly not turning up. Mr. Bhattacharjee submits that after submission of the willingness, no communication or information was received by him advising him to report or join at a particular place and on a particular day. Therefore, rejection of his candidature despite submitting his willingness is unfair and it should be set aside.

Mr. Banerjee, learned advocate appearing on behalf of the respondent prays for an adjournment to seek instruction from the respondents and file a reply before the Tribunal by the next date.

The respondent no. 7, Inspector General of Police and Deputy Inspector General of Police (Headquarter) shall abide by the outcome of this application in filling up this post of S.I. (AB).

Let the matter appear under the heading ‘For Orders’ on 03.08.2023.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P