

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 – 824 of 2022

Sunit Moyra - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>07</u> 19.11.2024	For the Applicant	: None
	For the Respondents	: Mr. G.P. Banerjee, Advocate

In terms of a direction of this Tribunal in O.A. – 784 of 2019, the Director of Health Services passed a reasoned order dated 03.08.2020. The applicant has prayed for setting aside this impugned reasoned order and reinstate him in the service to the post of Group – D. The applicant was appointed in the post of Group – D at Naiyarat Rural Hospital under Mondirbazar Block on 05.02.2019, South 24-Parganas. Though he was involved in a criminal case no. 422 of 2016 dated 02.09.2016 relating to a property dispute in his village, but such fact was not revealed by him while filling up the Police Verification Roll prior to his appointment. When this fact was brought to notice by the DIG, Intelligence Branch, the respondent no. 3, Chief Medical Officer of Health, Diamond Harbour withheld his pay with effect from 13th August, 2019 and also was not allowed to attain his duties in the office. The Director in his reasoned order has come to the conclusion that being a government employee and having suppressed his antecedents was not only irregular but also violated the Service Rule. He had directed the Chief Medical Officer of Health, Diamond Harbour to issue the termination order to the applicant after releasing his pay and allowances as per rule.

The twin facts of the applicant having been involved in the said criminal case and also of not revealing the same while filling the P.V.R. is not in dispute.

Having been acquitted now by the appropriate court the applicant furnished a representation before the Director of health Services which is dated 17.10.2022, in which he has, after informing his acquittal, has prayed for reinstatement to the same post of Group – D.

In support of his submissions, Mr. Mondal presents a copy of judgement of Hon'ble Supreme Court in Civil Appeal No. 3574 of 2022. However, Mr. Banerjee argues that this judgement is not at all similar to the case under consideration of this Tribunal primarily for the reason that in this case the applicant wilfully suppressed the

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fact of his involvement in a criminal case.

After hearing the submissions of the learned counsels and perusal of the records in this application, the Tribunal is of the considered view that the applicant had knowingly suppressed the fact that a criminal case was pending against him. This fact was conveniently omitted while filling the P.V.R. form at the time of his appointment in 2019. He was aware that an F.I.R. was lodged against him and six members of his family on 02.09.2016 in G.R. case No. 3271 of 2016 under 323/354/506/34 I.P.C. This case initiated in the year 2016 culminated with his acquittal on 22.09.2022, spanning a long period of six years. It is not important that the case related to a quarrel with a neighbour regarding encroachment of home state land. By suppressing this fact, the applicant was not being honest, which is expected of a Government employee, though the case may not be a serious case but the motive of suppression to be considered seriously and that is why the Tribunal is not satisfied with the plea of the applicant that he has been acquitted from such criminal case and therefore, he should be reinstated.

In view of above observations, the Tribunal declines to pass any order in favour of the applicant. This application is disposed of without passing any orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P