

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- 825 of 2022

Sankar Basak. VERSUS – The State of West Bengal & Ors..

Serial No. and
Date of order

For the Applicant : Mr. S. Sarkar,
Learned Advocate.

04
24.04.2023

For the State
Respondents : Mr. G.P. Banerjee,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) 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 for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the order of suspension upon the applicant. The applicant was suspended by the order of the respondent on 20.12.2019 for his involvement in a criminal case and subsequent arrest. It is submitted that by an order of the appropriate Court, the F.I.R. lodged against the applicant and others was quashed with a direction to the respondent to take proper recourse under the law on the self-same cause of action before the appropriate jurisdiction.

Since no new criminal case was lodged against the applicant in any appropriate forum till date, it is submitted that the suspension of the employee has become invalid and not legally tenable. Submission is that this suspension order may be revoked and the retiral benefits disbursed.

Mr. Banerjee submits that in the meantime the said applicant had superannuated on 31.05.2020. Therefore, the question of revoking the suspension has no relevance at this point of time. Praying for his pension and other retiral benefits like gratuity and leave salary,

the applicant had submitted a representation before the Respondent No. 1 on 06.09.2021.

After hearing the learned counsels and considering the facts and circumstances, this application is disposed of by directing the Respondent No. 1, Addl. Chief Secretary, Department of Fire and Emergency Services to consider the representation of the applicant for sanction and disbursement of his retiral benefits as per rule within a period of three months from the date of communication of this order. The applicant is also directed to co-operate by submission of relevant documents, if asked for, by the office of the Respondents.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)