

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. OA – 205 of 2021

Rabin Sarkar - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M. Karim, Advocate
<u>4</u> 29.03.2022	For the Respondents	: Mrs. S. Agarwal, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt. – II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

With the consent of both the parties, the matter has been taken up for hearing.

The instant application has been filed praying for following relief:

“a) A direction upon the respondents more particularly the respondent No. 2 Rescind, recall, withdraw and/or to cancel the impugned order being Memo No. WBFES/4070/2020 dated 23.12.2020 forthwith and to permit the applicant to resume his duty as a Government employee at Alampur Fir Station, District – Howrah.

b) Consequential order directing the respondent No. 2 to consider the case of the applicant afresh setting aside the impugned order dated 23.12.2020 in the light of the order passed by the Hon'ble Tribunal dated 09.10.2020 in O.A. No. 201 of 2020 with further consideration that the detention of Jail Custody of the

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applicant otherwise bad in law when he was not at all committed offence under section 302 of the Indian Penal Code for which he was suffered Jail custody for a little period due to motivated action of the Local Police.

c) Costs.

d) And/or to pass such other or further order or orders as to Your Lordship may deem fit and proper.”

The counsel for the applicant has further filed one supplementary affidavit annexing the order dated 23.07.2021. As per the applicant, he was put under suspension vide order dated 26.06.2020 under Rule 7(i) and 7(iii) of West Bengal Services (CCA) Rule, 1971. However, during the pendency of the application, the respondent authority had withdrawn the suspension order dated 26.06.2020 with immediate effect. Therefore, the instant application has become infructuous. The counsel for the respondents has also admitted the fact that the order of suspension has already been withdrawn by the respondent authority.

In view of the above, the O.A. is disposed of being infructuous as substantial prayer has already been redressed by the respondent authority.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

**URMITA DATTA (SEN)
MEMBER (J)**

A.K.P.