

**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. –OA 159 OF 2020

**PROKASH SARKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

04  
08.12.2021

For the Applicant

: Mr.Sudip Sarkar  
Advocate

For the State respondents

: Mr.Goutam Pathak Banerjee  
Advocate

Let affidavit of service filed today be kept on record. At the very outset, it is submitted by Mr.S.Sarkar, learned advocate for the applicant that though the matter has appeared under the heading "To be mentioned", it may be taken up for hearing, to which Mr.G.P.Banerjee, learned advocate for the State respondents in his usual fairness does not oppose.

In this application, the applicant, belonging to Scheduled Caste Category, who had applied for the post of Sub-Inspector of Police (Unarmed Branch) in West Bengal Police and got selected in the said Category, has prayed for the following reliefs:

(a) *Directing the respondent authorities particularly, the respondent authorities to issue appointment letter to the applicant for the Post of Sub-Inspector of Police (Unarmed Branch) in West Bengal Police forthwith under Scheduled Caste Category.*

(b) *And/or to pass such other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper.*

**ORDER SHEET**

Form No.

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Relying on the application, it is submitted by Mr.Sarkar, that though he was selected for the post, appointment has not been given as on 28<sup>th</sup> July, 2011 he was falsely implicated in a criminal case which is still pending. Prayer is the respondent authorities may be directed to consider the case of the applicant for appointment as pendency of a criminal case does not prove that he is not innocent.

Mr. Banerjee, submits since criminal case is pending and the applicant has to fill up a form with regard to police verification which contains a column regarding pendency of criminal case, no order may be passed.

In reply, it is submitted by Mr.Sarkar that direction may be issued on the respondents to consider and pass appropriate order for appointment of the applicant in case in the criminal case the outcome is in favour of the applicant.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, as criminal case is pending and the applicant cannot be appointed during the pendency of a criminal case, the application is disposed of by granting liberty to the applicant to file representation praying for appointment if the judgement in the criminal case is in favour of the applicant and in that case, the respondents shall take a decision and shall convey it to the applicant expeditiously.

(SAYEED AHMED BABA)  
MEMBER(A)

(SOUMITRA PAL)  
CHAIRMAN

BLR